



TITLE 19

ZONING CODE

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WEB VERSION

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SPECIFIC SECTIONS OF CODE**

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CHAPTER 19-01 DEFINITIONS

19.01.010 Definitions

For the purpose of this Chapter, certain terms and words are herewith defined as follows: Words in the present tense include the future; words in the singular number include the plural, words in the plural number include the singular; the word "building" includes the word "structure" but does not include pole lines and fences; and the word "shall" is mandatory and not directory.

A

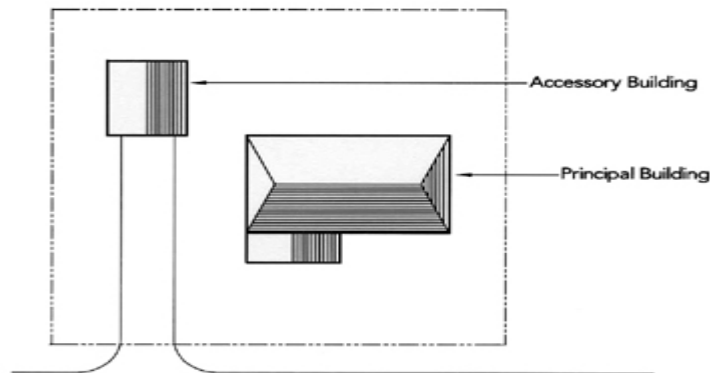
Accessory Building or Structure

A structure which:

- (a) Is maintained on the same lot and under the same ownership as a principal building;
- (b) Is smaller in floor area, building bulk and lot coverage than any principal building on the lot;
- (c) In its use is subordinate to and serves a principal building;
- (d) Is designed and built for the use to which it is put or to be put, and does not include structural or other features inconsistent with or incompatible with a principal building;
- (e) Is permanently affixed to the ground (except for home equipment sheds with maximum floor area of 120 square feet); and
- (f) Contributes to the comfort, convenience, or necessity of the owners, occupants, or users of the principal building served.

In no event shall an accessory building or structure be used for residential or dwelling purposes.

Figure 1: Principal and Accessory Buildings or Structures



Accessory Use

A use which:

- (a) Is conducted on the same lot and by the same party as a principal use;
- (b) Is subordinate in area, extent, and purpose to the principal use and is clearly incidental to the principal use;
- (c) Contributes to the comfort, convenience, or necessity of the party conducting the principal use; and
- (d) Will not alter the character of the area or be detrimental thereto.

Acreage, Gross

Gross acreage means:

- (a) The total area in acres of a tract of land, including all nonresidential land uses (such as required detention basins, park sites, religious institutions, educational institutions, agricultural uses, governmental uses), and further including the rights-of-way of publicly dedicated streets and all other dedicated public lands required under the Wheeling Municipal Code; and
- (b) Shall expressly exclude all ponds and water surfaces existing on the property prior to development (whether natural or man-made) but shall include detention basins, so long as such detention basins or areas are not presently under water.

***** See Definitions (Chapter 19-01) for terms in italics *****

Acreage, Net

Net acreage means the total acreage of a tract of land that is available for development. Net acreage shall exclude detention basins, retention basins, and any land dedicated to public use as a right-of-way or public access easement.

Adult Day Service

A facility that provides daytime meal services, transportation, health monitoring, medication supervision, personal care and recreational/therapeutic activities, for adults who want to remain in the community but who cannot be home alone during the day due to a physical, social and/or mental impairment. Does not include Medical Office, Medical Service Facility, or Nursing Home.

Adult Entertainment Establishment (See Entertainment Establishment, Adult)

Includes "Entertainment establishment, adult" and "Retail establishment, adult"

Adult Retail Establishment (See Retail Establishment, Adult)**Airport**

The Chicago Executive Airport located partially in the Village of Wheeling, Illinois and partially in the City of Prospect Heights, Illinois, Range 11, East of the Third Principal Meridian, Cook County, Illinois.

Alley

A way which affords only a secondary means of access to abutting property.

Alteration (see also "Structural Alteration")

Any construction which would result in a change in height or lateral dimensions of an existing structure.

Ambulance Service

A privately-owned facility for the dispatch, storage and maintenance of emergency medical care vehicles.

Animal Boarding Facility

An establishment in which more than three (3) dogs or three (3) cats, or any combination thereof, over the age of five (5) months may be kept for boarding, breeding, safekeeping, convalescence, humane disposal, placement, sale or sporting purposes.

Animal Grooming or Training Facility

An establishment providing bathing, trimming or training services for domestic animals on a commercial basis. This term includes the boarding of domestic animals for a maximum period of 48 hours incidental to the grooming or training services provided.

Animal Hospital/Clinic

An establishment providing medical and surgical treatment of domestic animals, including grooming and boarding for not more than thirty (30) days if incidental to the medical care. This term also includes an animal crematorium.

Annexed Area

Any area of land that has been incorporated into the Village of Wheeling resulting in a change of the boundaries of the Village.

Antenna

Equipment used for transmitting or receiving radio frequency signals which is attached to a tower, building or other structure, usually consisting of a series of directional panels, microwave or satellite dishes, or omnidirectional "whip" antennae.

Antenna Support Structure

Any building, pole, telescoping mast, tower, tripod, or any other structure which supports an antenna.

Applicant

Applicant shall mean, unless otherwise specified, an owner or other person with a legal property interest, including, a subdivider, developer, or other agent of the landowner, who has filed an application for subdivision or development.

Appurtenance

As used in this Title with reference to mobile homes, anything added to the exterior of a mobile home (with the exception of metal awnings) is an appurtenance.

Artist Studio

Work space for one or more artists or artisans, including the accessory sale of art produced on the premises.

*** See Definitions (Chapter 19-01) for terms in italics***

Assembly Hall

An establishment providing meeting space for social gatherings, including but not limited to wedding receptions, graduation parties and business or retirement functions. This term includes, but is not limited to, a banquet hall, rental hall, non-alcoholic social club, non-denominational chapel or a meeting space for a club or membership organization. This term does not include a convention center.

B

Bank or Other Financial Institution

An establishment providing retail banking, credit and mortgage services. This term does not include a currency exchange, a payday loan agency or a title loan agency (see definitions for Currency Exchange and Short-term Lending Facility).

Basement

A story having part but not more than one-half its height below ground line. A basement is counted as a story for the purpose of height regulation if subdivided and used for business.

Bed and Breakfast

An operator-occupied residence providing accommodations for a charge to the public with no more than five (5) guest rooms for rent and in operation for more than ten (10) nights in a twelve (12) month period. Breakfast may be provided to the guests only. Bed and breakfast establishments shall not include motels, hotels, boarding houses, or food service establishments.

Bedroom

Any spaces or room designed for sleeping purposes, whether or not such room or space is open and accessible to other rooms or spaces.

Board of Appeals

An officially constituted body whose principal duties are to hear appeals, and where appropriate, grant variance from the strict application of the zoning ordinance. This is the short form of the name, Village of Wheeling Board of Zoning Appeals. In the Village of Wheeling the Plan Commission acts as the Board of Appeals.

Boardinghouse

Boardinghouse means a building other than a hotel where, for compensation, meals, or lodging and meals are provided for more than two but not more than ten persons.

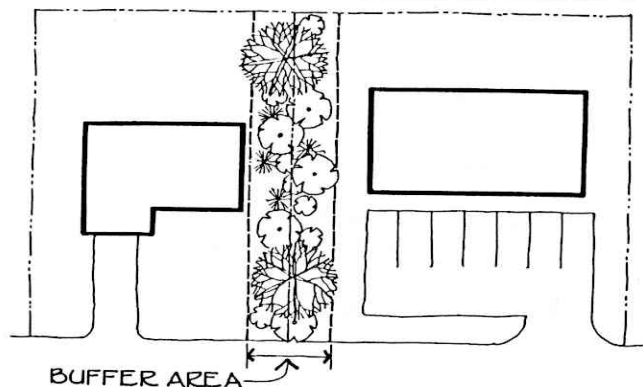
Broadcasting or Recording Studio

An establishment containing one or more broadcasting studios for over-the-air, cable or satellite delivery of radio or television programs, or studios for the audio or video recording or filming of musical performances, radio or television programs or motion pictures. This term does not include a transmission tower.

Buffer

Open spaces, landscaped areas, fences, walls, berms, or any combination thereof, used to physically separate or screen one use or property from another use or property to visually shield or block noise, light, or other potential nuisances.

Figure 2: Example of a Buffer Between Different Use Types



**** See Definitions (Chapter 19-01) for terms in italics****

Bufferyard

The space in which required buffering is located. Bufferyard width, design and location are set forth in Section 19.11.020.

Building

Any covered structure built for the support, shelter or enclosure of persons, animals, chattels or movable property of any kind, and which is permanently affixed to the land.

Building Bulk Regulations

Restrictions controlling the size of buildings or other structures and the relationship of buildings, structures and uses to each other and to open areas and lot lines. Bulk regulations include restrictions controlling:

- (a) Maximum height;
- (b) Maximum lot coverage;
- (c) Minimum size of yards.

Building Line

An imaginary line drawn parallel to a straight lot line or tangent to a curved lot line, at the closest point of any principal building or structure on the site.

Building Maintenance Service

An establishment providing routine maintenance of buildings. This term includes, but is not limited to, a window washing, building cleaning, pest extermination or disinfecting service.

Building, Principal

A nonaccessory building in which the principal use of the lot is conducted.

Business

Any lawful commercial endeavor to engage in the manufacture, purchase, sale, lease, or exchange of goods and/or services.

Business Offices

An office, in which only normal clerical functions, or professional services are performed, and specifically eliminating therein the sale, repair, or manufacture of articles for sale either on the premises, or elsewhere.

Business Service

An establishment providing services to business establishments on a fee or contract basis, including, but not limited to, advertising services, business equipment and furniture sales or rental or protective services. This term includes, but is not limited to, an employment agency, photocopy center, commercial photography studio or mailing service. This term does not include maintenance, repair and office uses such as accounting, advertising, architectural design, city planning, environmental analysis, insurance, interior design, investment, landscape design, law, management consulting, title research and real estate.

C

Cabana

A room enclosure of traditional construction erected or constructed adjacent to a mobile home for residential use by the occupant of the mobile home.

Caliper

Refers to the diameter of a tree. In nursery-landscape practice, caliper is measured six (6) inches above the ground level up to and including four (4) inch diameter size, and twelve (12) inches above the ground level for larger sizes.

Car sharing vehicle

A passenger vehicle, up to eighteen feet (18.0') in total length, that is owned or leased by a car sharing organization. Such vehicles shall be made available to the members of the car sharing organization, with membership available to the general public.

Car sharing facility

A public or private parking stall reserved for the storage of a car sharing vehicle. The configuration of car sharing facilities is subject to the restrictions of this Title (see Appendix A, Use Table, and 19.10.060 K).

*** See Definitions (Chapter 19-01) for terms in italics***

Car Wash

An establishment providing washing, waxing or cleaning of light motor vehicles, including access and queuing lanes.

Caregiver

Caregiver shall mean the individual directly responsible for the care of the children in a Child Care Service or Daycare Home.

Catering Service

An establishment providing the processing, assembly and packaging of food into servings for consumption off-premises without provision for on-site pickup or consumption. This term includes, but is not limited to, the preparation of meals by a catering business or by a nonprofit organization operating a meal program.

Cellar

A story having more than one-half of its height below grade. A cellar is not included in computing the number of stories for the purpose of height measurement.

Centerline, Street

An imaginary line that is equidistant from the boundaries of the street (alley, runway, etc.) or as otherwise established on the Official Map.

Change of Use

Change of Use shall mean any use that substantially differs from the previous use of a building or land in terms of, for example, required parking, landscaping, drainage, and particularly in terms of the new use's overall effect on the surrounding neighborhood and zoning district purpose.

Child Care Service

A family home in which care is provided for 3 or less children for less than 24 hours per day. The maximum of 3 children includes the family's natural, foster, or adopted children and all other persons under the age of 12. This term includes homes that receive only children from a single household. This term does not include a Daycare Home.

Clubs and Lodges

A non-profit association of persons who are bona fide members paying annual dues which owns, hires or leases a building or portion thereof, the use of such premises being restricted to members and their guests. The affairs and management of such "private club or lodge" are conducted by a Board of Directors, Executive Committee or similar body chosen by the members at their annual meeting. It shall be permissible to serve food and meals on such premises provided adequate dining room space and kitchen facilities are available. Where properly licensed under existing Village ordinance, the consumption of intoxicating beverages by members of such club or lodge or their guests may be permitted.

Collector Street (See "Street, Collector")**College**

An educational institution authorized by the state to award baccalaureate or higher degrees, or any campus of the state vocational, technical and adult education system. This term includes any classroom, laboratory, sporting facility or office associated with such institution. This term does not include a dormitory.

Co-Location

The location of wireless telecommunications equipment from more than one provider on a common tower, building or structure.

Comprehensive Plan

A comprehensive, long-range plan intended to guide the growth and development of the Village of Wheeling.

Compressed Natural Gas (CNG) Fueling Station

Compressed Natural Gas (CNG) Fueling Station means a commercial facility dispensing compressed natural gas via means of quick-fill technology to a limited number of third party vehicles whose drivers have been trained and licensed to dispense CNG by the owner of the CNG Fueling Station pursuant to training and licensing standards approved by the Village. Subject to the requirements of the Life Safety Code.

Community Center

***** See Definitions (Chapter 19-01) for terms in italics *****

A building or group of buildings operated by a public or nonprofit group or agency and used for recreational, social, educational or cultural activities.

Condominium

A building or group of buildings, in which the dwelling units, offices, or floor areas are owned individually, and the structure, common areas, and facilities are owned by all of the owners on a proportional, undivided basis.

Condominium Association

The community association that administers and maintains the common property and common elements of a condominium.

Conforming Building or Structure

A building, or other structures, which is designed or intended for a conforming use and which complies with all the regulations of this Title, or of any amendment hereto, governing use, lot size, building bulk and off-street parking and loading for the zoning district in which such building or structure is located.

Conforming Use

Any lawful use of a building or lot which complies with the provisions of this Title.

Construction

The erection or alteration of any structure either of a permanent or temporary character.

Contractor's Shop

An establishment used for the indoor repair, maintenance or storage of a contractor's vehicles, equipment or materials, and may include the contractor's business office.

Contractor's Yard

An establishment used for the outdoor storage of a contractor's vehicles, equipment or materials.

Convenience Store

Any retail establishment offering for sale prepackaged food products, household items, sundry items, and other goods commonly associated with the same, and which may also sell gasoline; operated primarily for the convenience of the motoring public, walk-in shopper, or someone purchasing a few items.

Convention and Exposition Center

A commercial facility used for assemblies or meetings of the members or representatives of groups, including exhibition space. This term does not include banquet halls, clubs, lodges or other meeting facilities of private or nonprofit groups that are primarily used by group members.

Corner Lot (See "Lot, Corner")

Cultural Institution

A nonprofit institution that displays or preserves objects of interest to the arts or sciences. This term includes, but is not limited to, a museum, art gallery, aquarium or planetarium.

Curb Line

The line that is represented by the back of the curb.

Currency Exchange

Any entity, except a bank, trust company, savings bank, savings and loan association, credit union, or industrial loan and thrift company, engaged in the business of cashing checks, drafts, money orders, or travelers' checks for a fee. A person who provides these services incidental to the person's primary business is not included in the definition if the charge for cashing a check or draft does not exceed \$1.00 or one percent of the value of the check or draft, whichever is greater.

D

Daycare Center

An establishment in which the operator is provided with compensation in return for providing one or more individuals with care for less than 24 hours at a time. The term includes, but is not limited to, a day nursery, nursery school, or other supplemental care facility. This term does not include a family daycare home or adult daycare center (see Adult Day Services).

*** See Definitions (Chapter 19-01) for terms in italics***

Daycare Home

A family home which receives more than 3 up to a maximum of 8 children for less than 24 hours per day. The number counted includes the family's natural, foster, or adopted children and all other persons under the age of 12. The term does not include facilities which receive only children from a single household.

Deck

An unenclosed exterior structure which is attached or adjacent to the exterior wall of a building, which has a floor but no roof.

Density

The numerical value obtained by dividing the total number of dwelling units in a development by the gross acreage of the actual tract of land upon which the dwelling units are to be located.

Developable Area

The total area of a parcel or group of parcels, minus any undevelopable areas including wetlands, floodplains, steep slopes, or other natural resource areas.

Developer's Agreement

An agreement by a developer with the Village that clearly establishes the developer's responsibility regarding project phasing, the provision of public and private facilities, improvements and any other mutually agreed upon terms and requirements.

Developmental Disability

A physical or mental impairment which substantially limits one or more of a person's major life activities, impairs their ability to live independently, or a record of having such impairment, but such term does not include current use of, nor addiction to, a controlled substance.

District

A portion of the territory of the Village of Wheeling within which certain uniform regulations and requirements, or various combinations thereof, apply under the provisions of this Title.

Donation Box

A freestanding accessory structure, container, receptacle, or similar device that is used for soliciting and collecting donations of clothing or other salvageable personal property. This term excludes any unattended donation boxes located within a building.

Double Frontage Lot (See "Lot, Double Frontage")**Drive-Through Facility**

A facility which is used for dispensing services or products to customers in motor vehicles. Such facility may require access lanes, signing, lighting and audio systems. This term does not include a drive-in theater.

Driveway

That portion of a lot paved with asphalt, concrete, or other surface approved by the village, used for the purpose of parking, ingress and egress to a carport, garage, parking area, or loading and unloading area for vehicles.

Dry Cleaning Establishment

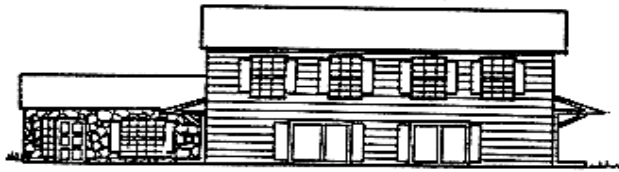
An establishment which launders or dry cleans articles dropped-off on the premises directly by the customer or where articles are dropped off, sorted and picked up but where laundering or cleaning is done elsewhere.

Dwelling, Duplex (See "Dwelling, two-family")**Dwelling, Multiple-Family**

A building containing three (3) or more dwelling units whose residents live independently of one another.

Figure 3: Examples of Multiple Family Dwelling

Figure 3a: Quadruplex



QUADRUPLEX

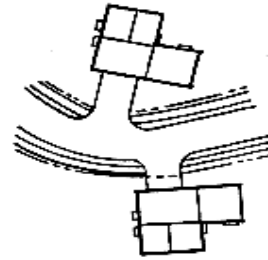
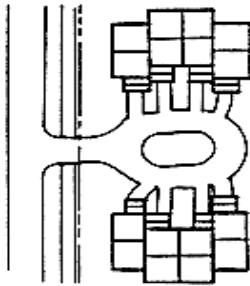


Figure 3b: Townhouse



TOWNHOUSE

Figure 3c: Coach House or Manor Home



COACH HOUSE OR MANOR HOME

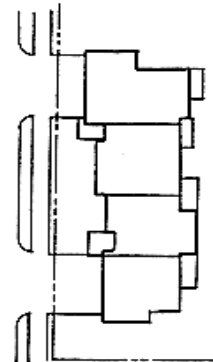
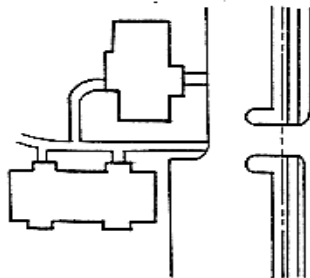


Figure 3d: Condominiums or Apartments

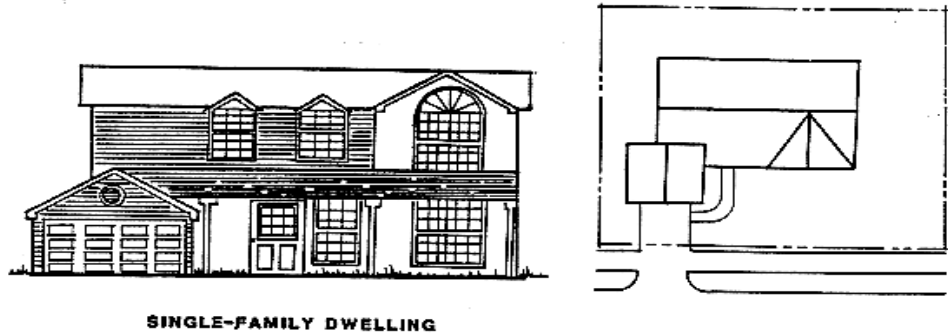


**** See Definitions (Chapter 19-01) for terms in italics****

Dwelling, Single-Family

A building containing one dwelling unit only.

Figure 4: Example of Single-Family Dwelling

**Dwelling, Two-Family**

A building designed for or occupied exclusively by two (2) families living independently of one another.

Figure 5: Example of Two-Family Dwelling

**Dwelling Unit**

A structure or portion thereof designed and built as a complete, self-sufficient living facility for one family, including permanent provisions for sleeping, eating, cooking and sanitation. Units in a hotel or motel are not to be counted as dwelling units.

E

Easement

A grant by a property owner to allow use by the public, a corporation, or persons for specific purposes such as the construction, maintenance, and repair of utilities, drainageways, and roadways.

Egress

An exit.

Electric vehicle

Any vehicle that operates, either partially or exclusively, on electrical energy that is stored on the vehicle.

*** See Definitions (Chapter 19-01) for terms in italics***

Electric vehicle charging station

A public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle. Subject to the regulations described in Section 19.10.060 L.

Elevation (Distance)

A vertical distance above or below a fixed reference level.

Elevation (Drawing)

A fully dimensioned drawing of the front, rear, or side of a building or other structure showing features such as windows, doors, and the relationship of the grade to the floor level.

Entertainment Establishment

An establishment that features the viewing of or participation in activities other than eating or drinking that become a primary function of the business more than ten times in a calendar. Activities could include, but are not limited to, dancing, performances, or any event that draws a large number of people. Includes venues specifically designed for entertainment as well as establishments, such as restaurants or taverns, that serve a different function during most operating hours.

Entertainment Establishment, Adult

An establishment providing nude dancing or other live or recorded performances that depict, describe or relate to specified sexual activities as defined herein.

Entertainment, Incidental

The viewing of or participation in activities, other than eating or drinking, that is incidental to the primary function of the business. Incidental Entertainment may include, but is not limited to, live or recorded background music.

F

FAA

The Federal Aviation Administration of the United States government.

Façade

The exterior wall of a building that is exposed to the public view or the wall viewed by persons not in the building.

Family

- (a) an individual or two (2) or more persons related by blood, marriage, domestic partnership, or adoption, and including not more than two (2) boarders or lodgers, living together as a single housekeeping unit in a dwelling unit, or
- (b) a group of not more than four (4) persons who need not be related by blood, marriage, or adoption, living together as a single housekeeping unit; plus, in either case; or
- (c) a group of not more than eight (8) persons with developmental disabilities who need not be related by blood, marriage, or adoption, living together as a single housekeeping unit in a dwelling unit; plus in all cases, usual domestic servants or attendant support staff. In all cases, shall be located a minimum of 1/8 mile from any other similar housekeeping unit.

Farmers' Market

A designated area where, on designated days and times, growers and producers may sell directly to the public, in accordance with the Village regulations within Title 4, Taxes, Business Regulations, and Licenses, and Title 5, Health and Sanitation, of the Wheeling Municipal Code.

Fence

A structure which is a barrier and is used for purposes of privacy, protection and confinement.

Flea Market

A building or open area in which stalls or sales areas are set aside, rented or otherwise provided and which are intended for use by various individuals to sell articles that are, but not necessarily limited to, homemade, homegrown, handcrafted, old, obsolete or antique and may include the selling of goods at retail by businesses or individuals who are generally engaged in retail trade.

Floor Area

For the purpose of determining the number of required off-street parking spaces and loading berths, means the sum of the gross horizontal areas of the several floors of the building, or portion thereof, which are:

*** See Definitions (Chapter 19-01) for terms in italics***

- (a) Devoted to the principal use of the premises, including accessory storage areas located within selling or working space such as counters, racks or closets;
- (b) Any basement floor area devoted to retailing activities; and
- (c) Floor area devoted to the production or processing of goods, or to business or professional offices. For this purpose, floor area shall not include:
 - (1) Floor area devoted primarily to storage purposes (except as otherwise noted herein);
 - (2) Floor area devoted to off-street parking or loading facilities, including aisles, ramps and maneuvering space; or
 - (3) Basement floor area other than area devoted to retailing activities, to the production or processing of goods, or to business or professional offices;
- (d) Ground-floor area, in the case of a single-family detached dwelling or a two-family dwelling, shall be measured from outside wall to outside wall and shall include utility areas, but should not include garage areas or utilities accessible only from the outside of the main dwelling area;
- (e) Floor area shall be measured in multiple dwellings from inside wall to inside wall in all private living spaces, and shall not include public halls or utility areas other than closets and other similar storage spaces.

Front of Corner Lot (See "Lot, Front of Corner")

Front Lot Line (See "Lot Line, Front")

Frontage

All of the property abutting on a street measured along the street line.

Funeral Home

An establishment providing services involving the care, preparation or disposition of human dead. This term includes mortuaries but not crematoriums.

Furniture and Appliance Rental and Leasing

An establishment providing the rental or leasing of furniture, electronics, small appliances, major appliances or other household items. This term includes incidental storage and maintenance of such items.

G

Garage, Private

An accessory building or a portion of the principal building used for vehicular storage only and subject to the following limitations:

- (a) a private garage may house no more than one commercial vehicle;
- (b) space may be rented for not more than one vehicle other than those belonging to the owner(s) or occupant(s) of the principal building;
- (c) the owner(s) or occupant(s) of the private garage may use it for personal vehicle service but may not use it as a place of employment for performing repairs on vehicles other than those belonging to the owner(s) or occupant(s) of the principal building.

Garage, Storage

A building or portion thereof, other than a private garage, used exclusively for parking or temporary storage of self-propelled vehicles.

Garden Supply or Landscaping Center

An establishment providing the retail sale of plants and the sale or rental of garden and landscape materials and equipment. This term includes outdoor storage of plants, materials or equipment.

Gas station

An establishment providing retail sale of fuel for motor vehicles, but not motor vehicle maintenance or repair work on the premises. This term includes accessory retail sales, commonly referred to as a convenience store, but does not include a fast food restaurant.

General Office (See "Office, General")

General Retail Establishment (See "Retail Establishment, General")

Government Office (See "Office, Government")

Gross Acreage (See "Acreage, Gross")

*** See Definitions (Chapter 19-01) for terms in italics ***

Ground Transportation Service, Dispatch Office

An establishment providing the dispatch office or administration office for a fleet of:

- Public passenger vehicles
- Vehicles licensed or otherwise regulated as human service vehicles by the State of Illinois and used for the transportation of elderly or handicapped persons.
- School buses
- Tow trucks

This term does not include a Small or Large Ground Transportation Service.

Ground Transportation Service, Small

An establishment providing the storage or dispatching of:

- Public passenger vehicles
- Vehicles licensed or otherwise regulated as human service vehicles by the State of Illinois and used for the transportation of elderly or handicapped persons.
- School buses

Vehicle storage is limited to operable and licensed vehicles only. This term applies to establishments with a maximum fleet size of six vehicles with a maximum length of 24 feet.

Ground Transportation Service, Large

An establishment providing the storage, maintenance or dispatching of:

- Public passenger vehicles
- Vehicles licensed or otherwise regulated as human service vehicles by the State of Illinois and used for the transportation of elderly or handicapped persons.
- School buses
- Tow trucks

H

Health Clinic

A group of associated offices for four (4) or more physical or mental health care professionals who provide specialized diagnostic, testing, physical therapy or treatment services, including clerical and administrative services, to persons for periods of less than twenty-four (24) hours. This term includes urgent care clinics and does not include a medical office or hospital.

Health Club

An establishment that allows members to use ~~with~~ equipment and facilities for exercising and improving physical fitness. For facilities accommodating twelve or fewer persons, see Recreational and Instructional Facility – Small.

Height, Building

The vertical distance measured from the average grade at the front wall of a building to:

- (a) The highest point of the coping of a flat roof;
- (b) The deck line of a mansard roof;
- (c) The mean height level between eaves and ridge for gable, hip or gambrel roofs.

Home Improvement Center

An establishment providing the sale or rental of building supplies, construction equipment or home decorating fixtures and accessories. This term includes a lumber yard or a contractors' building supply business and may include outdoor storage or tool and equipment sales or rental. This term does not include an establishment devoted exclusively to retail sales of paint, wallpaper or hardware or activities classified under vehicle/equipment sales and services, including vehicle towing services.

Home Daycare (See “Daycare Home”)**Home Occupation**

Any use of a dwelling unit or residence for the operation of any business or commercial, mercantile or industrial activity or enterprise.

Hospital

A state-licensed institution providing primary health services and medical, psychiatric, or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity and other physical or mental conditions, and, as an integral part of the institution, related accessory uses or facilities, including, but not limited to, laboratories, central service facilities for inpatient or outpatient treatment, as well as training, research and administrative services

*** See Definitions (Chapter 19-01) for terms in italics***

for patients and employees. Also included are health services and care, and services and functions which support health services and care, which are shared with other hospitals or other health care providers.

Hotel

An establishment in which at least five (5) rooms or units or at least seventy percent (70%) of the accommodations, whichever is greater, are regularly used or available for occupancy for periods of less than thirty (30) days or are available for more than thirty (30) days but are not the primary residences of the occupants. This classification includes, but is not limited to, a motor lodge, motel or extended-stay hotel.

Household Maintenance and Repair Service

An establishment providing the repair or servicing of household goods, furniture, appliances or lawn and garden equipment.

I

Impervious Surface

Any hard surfaced man-made area that does not readily absorb or retain water including, but not limited to, building roofs, parking and driveway areas, graveled areas, sidewalks, bicycle paths, and any other paved or concrete surfaces.

Indoor sales area

Indoor sales area, for the purpose of calculating outdoor display area, includes all areas that are open to the general public without a staff escort, for the display of merchandise and discussion of business matters related thereto.

J

Junk

Used machinery, scrap, iron, steel, other ferrous and nonferrous metals, tools, implements or portions thereof, glass, plastic, building materials, furniture, or other waste that has been abandoned from its original use and may be used again in its present or in a new form.

L

Landing Area

The area of the airport used for the landing, taking off or taxiing of aircraft.

Landscaped Island

A landscaped area defined by a curb and surrounded by paving on all sides.

Landscaped Peninsula

A landscaped area defined by a curb and surrounded by paving on at least two sides.

Laundromat

An establishment providing washing, drying or dry cleaning machines on the premises for rental use to the general public for laundering or dry cleaning purposes.

Library

A public, nonprofit facility in which literary, musical, artistic or reference materials such as, but not limited to, books, manuscripts, computers, recordings or films are kept for use by or loaning to patrons of the facility, but are not normally offered for sale except on an incidental basis.

Liquor Store, Packaged

A retail store that sells alcoholic beverages for off-premises consumption. Refers to multiple classes of liquor license, some of which are considered a principal use and some of which are considered an accessory use.

Loading, Off-Street

An area or space that is accessible from a street, alley or way, whether in a building or on a lot, that is set aside for the exclusive use of trucks or other vehicles while loading or unloading merchandise or materials.

Lodginghouse

Lodginghouse means a building where lodging only is provided for compensation to more than two but not more than ten persons.

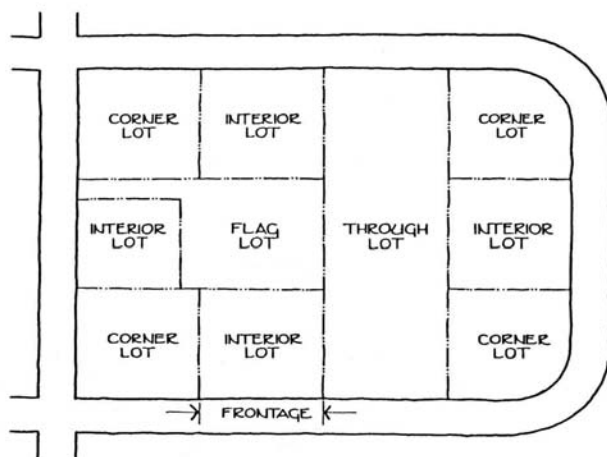
*** See Definitions (Chapter 19-01) for terms in italics***

Lot

A parcel of land that is designated by its owner or developer at the time of applying for a zoning certificate (or, if no zoning certificate is required, at the time of applying for an occupancy certificate) as a tract all of which is to be used, developed, or built upon as a unit under single ownership. So long as it satisfies the requirements of this Title, such lot may consist of:

- (a) A single lot of record; or
- (b) A combination of complete lots of record and portions of lots of record, or of portions of lots of record only.

Figure 6: Types of Lots

**Lot Area**

The area of a horizontal plane bounded by the front, side and rear lot lines, but not including any area occupied by the waters of a duly recorded lake, river or stream.

Lot, Corner

A lot abutting two (2) or more streets at their intersection. The minimum rear yard requirement shall be applied to the yard opposite the front yard having the least width.

Lot Depth

The mean horizontal distance between the front lot line and the rear lot line of a lot, measured within the lot boundary.

Figure 7: Measuring Lot Depth

**Lot, Double Frontage**

A lot having frontage on two (2) non-intersecting streets.

Lot, Front of Corner

The front of a corner lot is the side of the lot having the least dimension. If both sides are the same dimensions, the owner shall, at the time he applies for a zoning permit under this Title, choose the street which the lot shall be deemed to front upon.

Lot Line, Front

The boundary of a lot which is along an existing or dedicated public street, or, where no public street exists, is along a public way.

**** See Definitions (Chapter 19-01) for terms in italics****

Lot Line, Rear

The lot line opposite to and most distant from the front lot line. In the case of an irregular, triangular or gore-shaped lot, the rear lot line shall be an imaginary line, parallel to and farthest from the front lot line, not less than ten (10) feet long and wholly within the lot. In cases where neither of these definitions are applicable, the Zoning Administrator shall designate the rear lot line.

Lot Line, Side

Any boundary of a lot which is not a front lot line or a rear lot line.

Lot of Record

A lot which is part of a subdivision, the plat of which has been recorded in the office of the recorder of deeds of Cook or Lake County, or a parcel of land, the deed to which was recorded in the office of said recorder prior to the effective date of this ordinance.

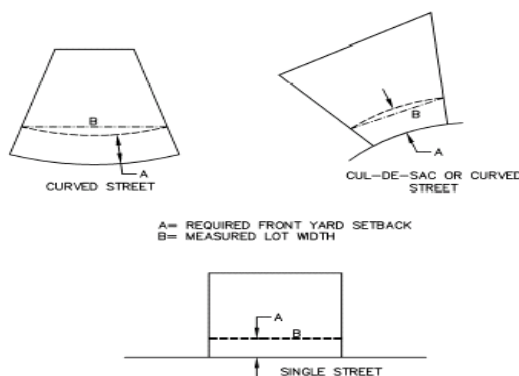
Lot Size Requirements

Restrictions controlling the minimum area and minimum width of lots and the density of residential development in terms of dwelling units per acre.

Lot, Through (See "Lot, Double Frontage")**Lot Width**

The distance between side lot lines measured at the front building setback line along the chord.

Figure 8: Lot Width along the Chord

**M****Manufacturing, Heavy**

An establishment engaged in manufacturing, assembly, fabrication, packaging or other industrial processing of products primarily from extracted or raw materials or the bulk storage and handling of such products and materials, where such activity involves the use or production of explosives, highly flammable liquids or gases, or toxic or hazardous materials or produces toxic, hazardous or noxious odors, fumes or dust.

Manufacturing, Medium

An establishment engaged in manufacturing, assembly, fabrication, packaging or other industrial processing of products primarily from extracted or raw materials or the bulk storage and handling of such products and materials, or an industrial establishment having potential to produce noise, dust, glare, odors or vibration beyond its property line. This term includes, but is not limited to:

- Chemical manufacturing.
- Stonework or concrete product manufacturing.
- Fabrication of metal products.
- Manufacturing of agricultural, construction or mining machinery.
- Motor vehicle manufacturing.
- Lumber milling.
- Ship or boat construction.

**** See Definitions (Chapter 19-01) for terms in italics ****

Manufacturing, Light

An establishment engaged in the indoor manufacturing, assembly, fabrication, packaging or other industrial processing of finished parts or products, primarily from previously prepared materials, or the indoor provision of industrial services, where there are few external effects across property lines. This term includes, but is not limited to, a business engaged in the processing, fabrication, assembly, treatment or packaging of food, beverages, alcoholic beverages, textile, leather, wood, paper, chemical, plastic or metal products, but does not include basic industrial processing from raw materials.

Mast

The portion of the outside antenna system to which the antenna is attached, and the support or extension required to elevate the antenna to a height deemed necessary for adequate operation.

Medical Cannabis Dispensary

As defined in the Compassionate Use of Medical Cannabis Pilot Program Act (State of Illinois Public Act 098-0122), a facility operated by an organization or business that is registered by the Illinois Department of Financial and Professional Regulation to dispense cannabis for medical use, paraphernalia, and related supplies and educational materials to registered patients.

Medical Cannabis Cultivation Center

As defined in the Compassionate Use of Medical Cannabis Pilot Program Act (State of Illinois Public Act 098-0122), a facility operated by an organization or business that is registered by the Illinois Department of Agriculture to perform necessary activities to cultivate and distribute medical cannabis to Medical Cannabis Dispensaries.

Medical Office

An establishment that provides diagnostic and outpatient medical care on a routine basis, but does not provide inpatient care or procedures. Such facility may be staffed by up to three (3) doctors, dentists, ophthalmologists, optometrists, chiropractors, physical therapists or similar practitioners licensed for practice by the state. This term includes a medical or dental laboratory incidental to the medical office use. See also "health clinic."

Medical Research Laboratory

An establishment providing medical or dental laboratory services or photographic, analytical or testing services for medical or medical research purposes. This term does not include a research and development facility that primarily serves an educational or industrial establishment.

Medical Service Facility

An establishment operated such that physicians are present during less than fifty percent (50%) of normal business hours and which provides medical services for the specialized diagnosis, testing and treatment of alcoholism, chemical substance abuse, mental illness or sexually transmitted diseases. This term includes, but is not limited to, a facility offering methadone treatment programs, a prison parole or probation drug treatment distribution center, or a facility where components of human blood are removed and purchased for use in research or the manufacture of consumer or industrial products.

Medical Use of Cannabis

As defined in the Compassionate Use of Medical Cannabis Pilot Program Act (State of Illinois Public Act 098-0122), the acquisition, administration, delivery, possession, transfer, transportation, or use of cannabis to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the patient's debilitating medical condition.

Mitigation Plan

A strategy developed by the property owner and Community Development Staff, and approved by the Zoning Administrator, to alleviate or mitigate any negative impacts of the use on surrounding properties.

Mixed Use

A tract of land, building(s) or structure(s) developed for two (2) or more complementary and integrated uses such as, but not limited to, residential, office, manufacturing, retail, public, or entertainment.

Mixed-Waste Processing Facility

An establishment engaged in the processing, separating and sorting of recyclable materials from non-hazardous waste streams or from commingled consumer recyclable materials, such as paper, plastics, beverage cans or household metals.

Mobile Home

A structure equipped for use as a single-family dwelling unit suitable for year-round occupancy and containing water supply, waste disposal and electrical facilities. It is designed for transportation on its own wheels, or on a

*** See Definitions (Chapter 19-01) for terms in italics***

flatbed, or on other trailers, to arrive at a site to be occupied as a dwelling complete and ready for occupancy except for hooking up to local utility connections, but is not self-propelled.

Mobile Home Development

A parcel of land where two (2) or more mobile homes are occupied or intended to be occupied as residences.

Mobile Home Development Owner

The legal and beneficial owners of the real property on which the mobile home park is situated and any person who manages or controls the mobile home park, collectively.

Motor Vehicle, Heavy

Any construction or agricultural equipment, van used for commercial purposes, truck used for commercial purposes or having a cargo capacity or more than 1.5 tons, boat exceeding twenty (20) feet in length or recreational vehicle exceeding three (3) tons in weight, twenty (20) feet in length or having more than six (6) wheels.

Motor Vehicle (Heavy) Body Shop

An establishment providing the repair or rebuilding of heavy motor vehicle bodies by the replacement, smoothing, sanding or painting of the exterior surfaces of such vehicles within an enclosed building.

Motor Vehicle (Heavy) Parking Lot, Accessory Use

Surface parking spaces for heavy motor vehicles, along with adjacent access drives and aisles, where the parking spaces are not located in a structure and the parking of such vehicles is not the principal use of the premises. This term does not include commercial parking operations, which are a principal use, or parking lots that are used exclusively for the parking of light motor vehicles.

Motor Vehicle (Heavy) Outdoor Storage

The outdoor storage of operable heavy motor vehicles for more than forty-eight (48) hours. This term does not include a surface parking lot, material reclamation facility, outdoor salvage operation or outdoor storage facility. Screening shall be provided in accordance with the provisions of 19.10.07(B)(7)(b).

Motor Vehicle (Heavy) Rental Facility

An establishment where contracts are prepared or reservations accepted for the rental or leasing of heavy motor vehicles. This term includes incidental storage of vehicles, but does not include on-premise maintenance of vehicles or a tool/equipment rental facility. Screening shall be provided in accordance with the provisions of 19.10.07(B)(7)(b).

Motor Vehicle (Heavy) Repair Facility

An establishment providing the repair or servicing of heavy motor vehicles, including the sale, installation and servicing of related equipment and parts, where all such work is performed within an enclosed building. This term includes, but is not limited to, the repair or servicing of batteries, tires, mufflers, brakes, shocks, transmissions, engines or upholstery. This term does not include vehicle dismantling or salvage, tire retreading or recapping, or body bumping and painting.

Motor Vehicle (Heavy) Sales Facility

An establishment providing retail sale of heavy motor vehicles, including incidental storage and maintenance.

Motor Vehicle, Light

Any motor vehicle used primarily for recreational or personal purposes not exceeding twenty (20) feet in length or having more than six (6) wheels; including but not limited to: an automobile, van, sports-utility vehicle, truck with a cargo capacity of 1.5 tons or less, motorcycle, or boat but not including recreational vehicles as herein defined.

Motor Vehicle (Light) Body Shop

An establishment providing the repair or rebuilding of light motor vehicle bodies by the replacement, smoothing, sanding or painting of the exterior surfaces of such vehicles within an enclosed building.

Motor Vehicle (Light) Outdoor Storage

The outdoor storage of operable light motor vehicles for more than forty-eight (48) hours. This term does not include a surface parking lot, material reclamation facility, outdoor salvage operation or outdoor storage facility. Screening shall be provided in accordance with the provisions of 19.10.07(B)(7)(b).

Motor Vehicle (Light) Rental Facility

An establishment where contracts are prepared or reservations accepted for the rental or leasing of light motor vehicles. This term includes incidental storage of vehicles, but does not include on-premises maintenance of vehicles or a tool/equipment rental facility. Screening shall be provided in accordance with the provisions of 19.10.07(B)(7)(b).

*** See Definitions (Chapter 19-01) for terms in italics***

Motor Vehicle (Light) Repair Facility

An establishment providing the repair or servicing of light motor vehicles, including the sale, installation and servicing of related equipment and parts, where all such work is performed within an enclosed building. This term includes, but is not limited to: oil changes and vehicle lubrication; the repair or servicing of batteries, tires, mufflers, brakes, shocks, transmissions, engines or upholstery. This term does not include vehicle dismantling or salvage, tire re-treading or recapping, or body bumping and painting.

Motor Vehicle (Light) Sales Facility

An establishment providing wholesale and retail sale of light motor vehicles, including incidental storage and maintenance.

Motor Vehicle (Light) Sales Facility, Fully Enclosed

An establishment providing for the indoor wholesale and retail sale of light motor vehicles, including incidental storage and maintenance. Limited to a maximum of ten vehicles at a given time.

Motor Vehicle Transport Facility

An establishment providing for the storage, packaging, distribution, and transportation of motor vehicles by rail or by truck. This term does not include Motor Vehicle Sales.

Multiple Family Dwelling (See "Dwelling, Multiple Family")

N

New Development

Any proposed use of vacant land or cleared land for the purposes of constructing a new building.

Nightclub

A restaurant or tavern, as defined herein, that is open later than 10 p.m., has an occupancy load of fifty (50) or more persons, provides entertainment as defined herein, requires a cover charge, minimum drink order, or similar entry fee more than ten times per calendar year, or derives less than fifty percent (50%) of its revenue from the sale of food items.

Nonconforming Building or Structure

A building or structure which does not comply with the lot size requirements and building bulk regulations of this Title or of any amendment thereto.

Nonconforming Use

A use of land, buildings or structures for a purpose or use which is not permitted by the regulations and restrictions applicable in the district in which the land, building or structure is located.

Nonprecision Instrument Runway

A runway having an established instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in, nonprecision instrument approach procedure has been approved or planned.

Noxious Matter

Material which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects on the physical or economic well-being of individuals.

Nursery

Any building or lot, or portion thereof, used for the cultivation or growing of plants and all accessory buildings.

Nursing Home

A facility providing 24-hour skilled nursing care to at least 3 unrelated persons, including convalescent hospitals but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of disease or injury, maternity cases, or mental illness.

O

Office, General

Use of a building for business, professional or administrative offices. A general office is characterized by a low proportion of vehicle trips attributable to visitors or clients in relationship to employees. Examples include, but are

***** See Definitions (Chapter 19-01) for terms in italics *****

not limited to, offices of firms or organizations providing architectural, computer software consulting, data management, engineering, interior design, graphic design, real estate, insurance, investment or legal services. This term does not include a bank or other financial institution or the office of a physician, dentist, optometrist or chiropractor.

Office, Government

An administrative, clerical or public contact office of a government agency, including a postal facility, together with incidental storage and maintenance of the agency's vehicles.

On-Street Parking (See "Parking, On-Street")

Open Space

The area of a lot that is not covered by buildings or impervious surface including, but not limited to, grass, landscaping, gardens, or land preserved in a natural state. For the purpose of this Title open space shall not include areas improved with Grasscrete™ or any other semi-pervious concrete surface nor shall it include extensive growth roofing or "green" roofing.

Outdoor display area

Outdoor display area includes all areas where vehicles or other merchandise are stored, except those areas which are fully enclosed by a walled building or fencing and landscaping sufficient to fully screen them from view.

Outdoor Merchandise Sales

Retail sale of produce, other foodstuffs or other products, primarily outside an enclosed structure, for more than sixteen (16) days in any calendar year. This term shall not include a motor vehicle sales facility, garden supply or landscaping center, lumber yard, building supply or home improvement center, Christmas tree lot, farmers' market, or sidewalk sales as defined herein.

Outdoor Storage (See "Storage, Outdoor")

Owner

A person other than a lienholder holding legal title to the property.

P

Parking, On-Street

The storage space for a vehicle that is located within the street right-of-way.

Parking, Off-Street

An area or space, accessible from the street, alley or way, whether in a building or on a lot, that is set aside for the exclusive use of the parking of automobiles and other vehicles.

Parking Lot, Principal Use

Surface parking spaces for five (5) or more light motor vehicles, and adjacent access drives and aisles, where the parking spaces are not located in a structure and the parking of motor vehicles is the principal use of the premises. This term includes both commercial parking operations and private surface parking lots, but does not include the parking of heavy motor vehicles. Screening shall be provided in accordance with the provisions of 19.10.07(B)(7)(b).

Parking Lot, Accessory Use

Surface parking spaces for five (5) or more light motor vehicles, adjacent access drives and aisles, where the parking spaces are not located in a structure and the parking of motor vehicles is not the principal use of the premises. This term does not include commercial parking operations, which shall be considered a principal use, or the parking of heavy motor vehicles. Screening shall be provided in accordance with the provisions of 19.10.07(B)(7)(b).

Parking Pad

Surface parking space, typically in a town home development, which is off-street parking designed for use by a specific unit.

Parking Structure, Principal Use

Parking spaces and adjacent access drives, aisles and ramps that are located in a structure with two (2) or more levels, where the parking structure is the principal use of the premises. This term includes commercial parking operations as well as private parking structures. This term does not include private one-story garages for single-, two- or multi-family dwellings.

Particulate Matter

Dust, smoke, or any other form of airborne pollution in the form of minute separate particles.

*** See Definitions (Chapter 19-01) for terms in italics***

Passenger Terminal

A facility for passenger transportation operations, including but not limited to a passenger rail station, bus terminal or passenger ship terminal. This term does not include an airport or heliport.

Pawn shop

Any establishment that lends money on deposit or pledge of personal property, or deals in the purchase of personal property on condition of selling the same back at a stipulated prices. Includes businesses that offer cash for property, such as precious metals, as the principal use. Does not include businesses that purchase personal property accessory to a General Retail Establishment.

Permit

A permit issued by the Community Development Department.

Person

An individual, firm, partnership, corporation, company, trust, estate, association, joint stock association or governmental entity; includes a trustee, a receiver, an assignee or a similar representative of any of the foregoing.

Personal Service Establishment

An establishment providing services which are of a recurring and personal nature to individuals. This term includes, but is not limited to, a barber shop, beauty salon, day spa, shoe repair shop, seamstress, tailor, tanning salon, or massage establishment. This term does not include a portrait studio, dry cleaning establishment, laundromat, photocopy center, *health club*, body piercing, tattoo parlor or repair shop for household items. Establishments with massage services are subject to the regulations referenced in Title 4 of the Wheeling Municipal Code. Establishments such as barber shops, hair and nail salons are subject to the regulations referenced in Title 5 of the Wheeling Municipal Code.

Personal Training

See Recreational and Instructional Facility.

Personal Wireless Services

Licensed commercial wireless communication services including cellular, personal communication services (PCS), enhanced specialized mobilized radio (EMR), paging and similar services.

Planned Development

A unified tract of land which contains, or will contain when developed, two (2) or more buildings, and which is developed under a single ownership or control for sale or lease by separate parcels.

Planned Unit Development (PUD)

A development of land that is under unified control as it is planned and developed that has received approval through the formal PUD approval process.

Political Subdivision

Any unit of local government or school district, as defined in Article VII of the Illinois Constitution, or any combination of two (2) or more thereof, situated in whole or in part within any of the airport imaginary surfaces established in this Title.

Porch

A covered platform, usually having a separate roof, at an entrance to a dwelling.

Precision Instrument Runway

A runway having an established instrument approach procedure utilizing an Instrument Landing System (ILS), or a Precision Approach Radar (PAR); also a runway for which a precision approach system is planned and is so indicated by an FAA Approved Layout Plan.

Pre-Constructed Room Addition

A manufactured unit designed and intended for attachment to a particular mobile home for residential use by the occupant of the mobile home.

Principal Building (See "Building, Principal)**Private Common Grounds or Areas**

Any land within the planned development which is under the ownership, control and responsibility of the owners or residents of the development either as tenants in common or under a private association, firm or corporation.

*** See Definitions (Chapter 19-01) for terms in italics***

Private Garage (See "Garage, Private")

Property Line (See "Lot line")

Psychic

Pertaining to predictions of the future based on intuitive or mental powers or supernatural influences and not statistical or otherwise empirical evidence.

Psychic Readings

A person, firm or corporation engaged in providing psychic services in any of its forms for a fee or admission charge including, but not limited to such activities as fortune telling, astrology, spiritual mediumship, card reading and palmistry.

Public Safety Facility

A government facility for public safety and emergency services including a facility that provides police or fire protection and related administrative facilities.

R

Rear Lot Line (See "Lot Line, Rear")

Recreational and Instructional Facility

An indoor facility for the participation in and viewing of recreational or instructional activities. Instruction may include, but is not limited to, tutoring, classes, trade/vocational training, dance, athletic training, martial arts, music, or arts/crafts. Recreation may include a variety of sports and activities such as, but not limited to, bowling, target shooting, archery, roller skating, ice skating, trampolines, wall climbing, billiards, golf, and video games. Does not include Health Clubs.

Recreational and Instructional Facility - Small

A Recreational and Instructional Facility, as defined above, with the exception of archery and shooting ranges, with a combined occupancy of no more than twelve participants/students and employees at a given time. Viewing areas and waiting areas may be considered in determining the size of a facility.

Recreational Vehicle (RV)

A vehicular-type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motor or is pulled by another vehicle.

Recycling Collection Facility

A facility for the deposit, sorting or batching, but not processing, of post-consumer recyclable materials. This term includes, but is not limited to, a residential self-help, drop-off facility or a transfer station which receives residential solid waste collected by Village forces or deposited by Village residents.

Redevelopment

Any proposed expansion, addition, or major facade change to an existing building, structure or parking facility.

Religious Assembly

A facility where people regularly assemble for religious worship and any incidental religious education, which is maintained and controlled by a religious body organized to sustain public worship. This term does not include an elementary or secondary school, a specialty or personal instruction school, or a college.

Research and Development

An establishment which conducts research, development or controlled production of high-technology electronic, industrial, or scientific products or commodities for sale or laboratories conducting educational or medical research or testing. This term includes, but is not limited to, a biotechnology firm or a manufacturer of nontoxic computer components.

Restaurant, Drive-Through

A restaurant with an accessory drive-through facility as defined herein.

Restaurant, Fast-Food/Carry-Out

A restaurant where food is prepared, packaged and served for consumption off-premises through delivery or take-out, other than at a drive-through. Carry-out facilities may be accessory to a sit-down restaurant. This term does not include a tavern.

Restaurant, Sit-Down

*** See Definitions (Chapter 19-01) for terms in italics***

A restaurant where the food or beverages sold are consumed at tables located on the premises, where taking food or beverages from the premises is purely incidental. This term does not include a tavern.

Retail Establishment, Adult

An establishment in which ten percent (10%) or more of the gross public floor area is devoted to, or ten percent (10%) or more of the stock-in-trade consists of, the following: books, magazines and other periodicals, movies, videotapes, compact discs, digital versatile discs, novelty items, games, greeting cards and other materials which are distinguished or characterized by their emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical areas as defined herein.

Retail Establishment, Auto Parts

An establishment providing retail sale of auto parts and accessories. This term does not include a general retail establishment in which less than ten percent (10%) of the gross public floor area is devoted to, or less than ten percent (10%) of the stock-in-trade consists of auto parts and accessories.

Retail Establishment, General

An establishment providing retail sale of new products to the public and rendering services incidental to the sale of such products, including, but not limited to, sales of: art supplies and picture frames, art works, baked goods, bicycles, books, newspapers and magazines, collectibles, dry goods, notions and novelties, flowers and plants, food and beverages (except package liquor stores), furniture and floor coverings, hardware, hobbies, toys and games, household goods, jewelry, luggage, major appliances, music, records, compact discs and tapes, paint and wallpaper, pets, pharmaceutical products, photo equipment and processing, sewing apparatus, sporting goods, stationery, tobacco products and wearing apparel. This term includes, but is not limited to, a grocery store, specialty food store, antique store, butcher shop, delicatessen, portrait studio, furniture or appliance rental establishment or video rental or sales business. This term does not include an adult book store, lumber yard, building supply or home improvement center, garden center secondhand store, auto parts store or package liquor store.

Rezoning

An amendment to the map and/or text of the zoning ordinance to effect a change in the nature, density, or intensity of uses allowed in a zoning district and/or on a designated parcel or land area.

Roadway

The portion of the right-of-way improved, designed, or used for vehicular travel.

Runway

A defined area of the airport designated for the landing or taking off of aircraft and consisting of either a specifically prepared hard surface or turf.

S

Salvage Operation, Indoor

An establishment providing the storage of any equipment, goods, junk, material, merchandise or commercial vehicles within a building for more than forty-eight (48) hours. Such establishment typically performs the dismantling of items for the salvage of useable parts. This term does not include a recycling collection facility, mixed-waste processing facility, material reclamation facility, wholesale and distribution facility or hazardous materials storage. No outside storage is permitted.

School, Specialty

See Recreational and Instructional Facility.

School, Personal Instruction

See Recreational and Instructional Facility.

Screen

A structure, fence or earthen berm used as a visual barrier for the purpose of ensuring privacy, providing a buffering of uses, or affording an aesthetic feature to a development.

Secondary Street (See "Street, Secondary")

Secondhand Store

An establishment in which used merchandise is sold at retail. This term does not include a pawn shop, an antique or collectibles store or other general retail establishment.

Self-storage Facility

*** See Definitions (Chapter 19-01) for terms in italics***

A building or group of buildings with controlled access and secured areas which contain individual compartmentalized and controlled access stalls or lockers for the storage of customer's goods or possessions.

Setback

The minimum horizontal distance between the building line and the parallel lot line street right-of-way line, whichever is closer.

Setback, Front

The minimum allowable distance from the ultimate right-of-way line as shown on the Official Map to the closest point of the foundation of a building, parking lot, sign, or other structure.

Setback, Rear

The minimum allowable distance from the rear property line to the closest point of the foundation of a building, parking lot, sign, or other structure.

Setback, Side

The minimum allowable distance from the side property line to the closest point of the foundation of a building, parking lot, sign, or other structure.

Short-term Lending Facility

An establishment such as a payday advance or title loan that offers short term loans or cash advances, secured through collateral such as a personal check or automobile title, typically at a high interest rate.

Shopping Center

A building or cluster of buildings designed for multi-tenant commercial, retail and compatible service uses.

Side Lot Line (See "Lot Line, Side")

Sidewalk Sales

Retail sale of produce, other foodstuffs or other products primarily outside an enclosed structure, for four (4) or fewer consecutive days no more than four (4) times in any calendar year. Sidewalk sales as defined herein are permitted in commercial and mixed use districts.

Single-Family Dwelling (See "Dwelling, Single-Family")

Snow Plow Contractor's Storage Yard

A specifically designated lot or parcel upon which only a single snow plow contractor maintains its principal office or a permanent business office. Designation of the lot or parcel as a snow plow contractor's storage yard would allow this area only to be used to store and maintain equipment and other materials customarily used in the trade carried on by the snow plow contractor. The entire lot or parcel containing the snow plow operation as approved by the Village Board would then be classified as a "snow plow contractor's storage yard" and would be required to conform to all applicable zoning district standards and other legislative regulations. An approved site plan designating material storage area and type of materials, equipment location, and type of equipment located on site will be required as part of the approval process.

Social Service Facility

A facility operated by an organization which provides services such as training, counseling, health or the distribution of food or clothing. This term includes, but is not limited to, a facility offering life skills training, substance abuse counseling, housing services or a neighborhood recovery center. This term does not include an emergency residential shelter.

Special Use

A use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would not be detrimental to the public health, safety, or general welfare.

Special Use Permit

A permit issued by the Village stating that the Conditional Use meets all of the conditions of approval.

Specified Sexual Activities

Human genitals in a state of sexual arousal or stimulation; acts of human masturbation, sexual intercourse, or sodomy; fondling or other erotic touching of human genitals, pubic region, buttocks, or female breasts.

Specified Anatomical Areas

*** See Definitions (Chapter 19-01) for terms in italics***

Less than completely and opaquely covered human genital, pubic region, buttocks, and female breast below a point immediately above the top of the areola and human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Sports and Recreation Facility, Indoor

See Recreational and Instructional Facility.

Sports and Recreation Facility, Outdoor

A facility for the outdoor conduct, viewing or participation in recreational activities. Such a facility may include one or more structures. This term includes, but is not limited to, a golf facility, tennis, basketball or volleyball court, soccer, baseball or football field, or amusement park or water park. This term does not include a sports facility or health club.

State

The State of Illinois.

Storage Facility, Hazardous Materials

An establishment providing warehousing or bulk storage facilities for hazardous, toxic, flammable, explosive or other dangerous materials.

Storage Facility, Indoor

An establishment providing indoor storage of materials, vehicles or goods. This term does not include a hazardous materials storage facility or an indoor wholesale and distribution facility. This term includes, but is not limited to, a mini-warehouse or self-storage facility.

Storage Facility, Outdoor

An establishment providing outdoor storage of materials or goods. This term does not include a hazardous materials storage facility, an indoor wholesale and distribution facility or light or heavy motor vehicle outdoor storage.

Storage Garage (See "Garage, Storage")

Storage, Outdoor

The storing or maintaining, exterior to any permanent, fully enclosed building or structure of goods, inventory, equipment (excluding semi-trailers in industrial areas) or other tangibles (except vehicles currently licensed by the State of Illinois in the process of delivering or picking up goods or materials or used for transportation purposes by the occupant in connection with the principal use).

Story

That portion of the building, other than a cellar or basement, included between the surface of any floor and the surface of the floor next above it or, if there is no floor above, then the space between the floor and the ceiling next above it.

Street

A dedicated public or private right-of-way or a right-of-way subject to public easement.

Street Centerline (See "Centerline, Street")

Street, Principal Arterial (Major Arterials)

A street designed to carry large volumes of traffic and providing efficient vehicular traffic between areas of the Village.

Street, Minor Arterial

A street designed to carry medium volumes of traffic and providing intra-community vehicular travel between principal arterials and areas of the Village.

Street, Collector

A street that is so designated on the official map of the village, and that is for the purpose of collecting traffic from minor streets within a neighborhood and distributing the traffic to secondary or major streets. A minimum right-of-way width should normally be sixty-six (66) feet.

Street, Major

A street that is so designated on the currently effective official map of the village.

Street, Minor

Any street in the Village that is not classified as a Principal (or Major) Arterial, a Minor Arterial, or a Collector street.

Street, Secondary

*** See Definitions (Chapter 19-01) for terms in italics***

A street that is so designated on the currently effective official map of the village.

Structural Alterations

Any change in the supporting members of a building or other structure, such as bearing walls or partitions, columns, beams, girders or foundation, or any structural change in the floor, roof or exterior walls.

Structure

Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground, including, but without limiting the generality of the foregoing, advertising signs, billboards, backstops for tennis courts, and pergolas.

Subdivision

The division of a lot, tract, or parcel. See Title 17, section 17.12.380 for complete definition.

Submersion Pool

A pool such as a whirlpool, hot tub, or cold water pool intended for full body submersion. Facilities with submersion pools are subject to the regulations referenced in Title 5 of the Wheeling Municipal Code.

Substation/Distribution Equipment, Indoor

A facility, other than a transmission tower and contained entirely within a building, which performs either of the following functions:

- Aids in the distribution of a utility, including but not limited to electric power or telephone service.
- Is used to operate, maintain or provide access to facilities for the transmission of voice, data, text, internet, sound or full-motion-picture video between network termination points.

Substation/Distribution Equipment, Outdoor

A facility, other than a transmission tower and not contained entirely within a building, which performs either of the following functions:

- Aids in the distribution of a utility, including but not limited to electric power or telephone service.
- Is used to operate, maintain or provide access to facilities for the transmission of voice, data, text, internet, sound or full-motion-picture video between network termination points.

Support Structure (See "Antenna Support Structure")

T

Tavern

An establishment providing alcohol beverages by the drink to the public, where food or packaged alcohol beverages may be served or sold only as accessory to the primary use. This term does not include an assembly hall or a recreation facility.

Tenant

Any person who occupies a mobile home on a site in a mobile home park.

Theater

An establishment or facility for presenting motion pictures or live performances for observation by patrons. This term includes an outdoor stage, bandshell or amphitheater, but does not include an adult entertainment establishment.

Through Lot (See "Lot, Double Frontage")

Tool/Equipment Rental Facility

An establishment providing the rental of tools, lawn and garden equipment, party supplies and similar goods and equipment, including storage and incidental maintenance. This term does not include a motor vehicle rental facility.

Toxic Matter

Material which is capable of causing injury to living organisms by chemical means when present in relatively small amounts.

Tower

Any pole, spire, structure, or combination thereof, to which antenna could be attached, or which is designed for an antenna to be attached, and all supporting lines, cables, wires and braces.

Transfer Station

Transfer Station means a site or facility that accepts waste for temporary storage or consolidation and further transfer to a waste disposal, treatment or storage facility. Transfer station does not include a site that stores waste on

*** See Definitions (Chapter 19-01) for terms in italics***

a refuse motor vehicle or in the vehicle's detachable refuse receptacle for no more than 24 hours, excluding Saturdays, Sundays, and holidays, but only if the detachable refuse receptacle is completely covered or enclosed and is stored on the same site as the refuse motor vehicle that transported the receptacle to the site.

Transmission Tower

A structure designed to support one or more reception/transmissions systems. This term includes, but is not limited to, a radio tower, television tower, telephone exchange/microwave relay tower or cellular telephone transmission/personal communications systems tower.

Truck Freight Terminal

A facility for truck-based freight service and operations, including but not limited to local pickup, local sorting and terminal operations, line-haul loading and unloading, destination sorting and terminal operations and local delivery.

Tutoring

See Recreational and Instructional Facility.

Two-Family Dwelling (See "Dwelling, Two-Family")

U

Urgent Care Clinic

A health care facility owned and operated by a licensed hospital, staffed by trained and licensed medical professionals, and devoted to the diagnosis, treatment and care of persons in need of immediate medical care on an episode basis, which may include laboratory, radiological or other related special or ancillary services, but ordinarily not rendering services to cases of severe trauma nor admitting patients for overnight or long-term inpatient care.

Use

Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained or occupied; also, any activity, occupation, business or operation carried on, or intended to be carried on, in a building or other structure or on a tract of land.

Use, Nonconforming

A use that lawfully occupied a parcel of land, building, or group of buildings prior to the effective date of this Title and does not conform to the use regulations of the district in which it is located.

Use, Permitted

A use which may be lawfully established in a particular district.

Use, Principal

The main or dominant use of land, a building or other structure as distinguished from a subordinate or accessory use.

Use, Prohibited

A use that is not permitted anywhere within a district.

Use, Similar

A use that has the same characteristics as the specifically cited uses in terms of traffic generation, parking, utility demands, environmental impact, physical space needs and clientele.

Use, Temporary

A use established for a specified period of time with the intent to discontinue the use at the end of the designated time period.

V

Variance (Variation)

A grant of relief by the Village of Wheeling from the literal requirements of this Title in accordance with the procedures herein when special circumstances, applicable to the property, deprive it from enjoying privileges commonly enjoyed by other properties in the same zoning district.

Vehicle, Commercial

A vehicle used or designed to be used for business or commercial purposes.

Vending machine

*** See Definitions (Chapter 19-01) for terms in italics***

A device that dispenses goods in exchange for payment. Does not include operations which require payment to an attendant. Subject to the regulations of Title 4, Taxes, Business Regulations and Licenses.

Vendor, Mobile Food

Any vehicle, including those propelled by human power, for the delivery and sale of any food items. Subject to the regulations of Section 19.10.060 H, and Title 5, Health and Sanitation, Chapter 5.08 and 5.18.

Vibration

The periodic displacement, measured in inches, of earth.

Village

Village shall mean the Village of Wheeling, Illinois.

Vision Triangle

Vision Triangle shall mean a triangular shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

Visual Runway

A runway intended solely for the operation of aircraft using visual approach procedures, with no straight-in instrument approach procedures and no instrument designation indicated on an FAA Approved Layout Plan, or by any planning document, submitted to the FAA by competent authority.

W

Water Treatment Plant

An establishment engaged in operating a water treatment plant or operating a water supply system. The water supply system may include pumping stations, aqueducts or distribution mains. The water may be used for drinking, irrigation or other uses.

Warehouse

A building used for the storage of goods or materials. Warehouses may include the distribution of goods but do not include retail sale of goods.

Wholesale and Distribution Facility, Indoor

An establishment providing indoor storage and sale of factory-direct merchandise and bulk goods. This term includes, but is not limited to, mail-order and catalog sales, importing, wholesale or retail sale of goods received by the establishment, and wholesale distribution, but does not include sale of goods for individual consumption.

Wholesale and Distribution Facility, Outdoor

An establishment providing outdoor storage and sale of factory-direct merchandise and bulk goods. This term includes, but is not limited to, mail-order and catalog sales, importing, wholesale or retail sale of goods received by the establishment, and wholesale distribution, but does not include sale of goods for individual consumption.

Wireless Communication Facility

A tract or parcel of land that contains the wireless communications antenna, support structure, accessory buildings, parking, and driveway and may include other uses associated with wireless communications transmissions.

Y

Yard

Open space which is unoccupied or unobstructed from its lowest level to the sky, except for permitted obstructions provided herein.

Figure 9: Examples of Yards

Figure 9a: Interior Lot

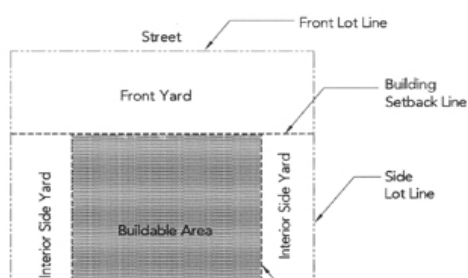
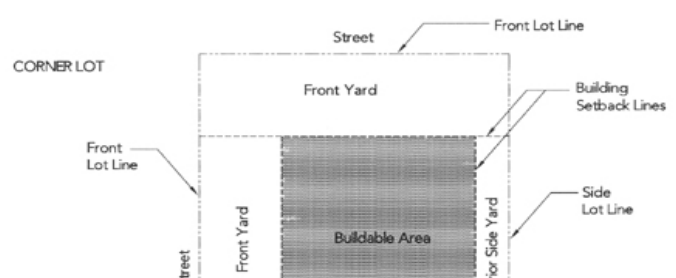
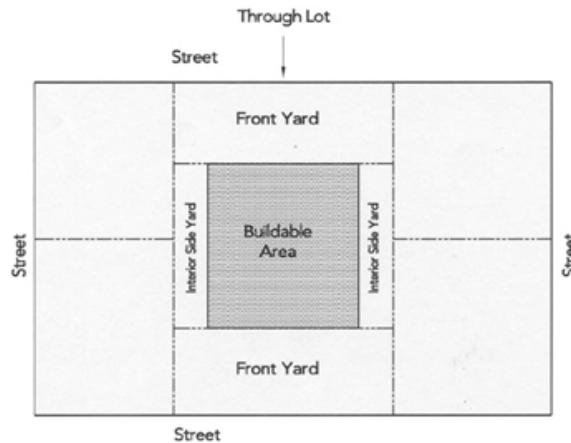


Figure 9b: Corner Lot



*alics***

Figure 9c: Through Lot



Yard, Front

A yard extending along the full length of the front lot line between the side lot lines.

Yard, Rear

A yard extending along the full length of the rear lot line between the side lot lines.

Yard, Required

A minimum front, rear or side yard, as established in the building bulk regulations for the appropriate zoning district.

Yard, Side

A yard extending along a side lot line from the front yard to the rear yard.

Z

Zoning Administrator

That person designated by the Village Manager to administer zoning matters.

Zoning Map

The map of Wheeling that geographically shows all of the zoning districts within the Village and has been adopted by ordinance.

*** See Definitions (Chapter 19-01) for terms in italics***

CHAPTER 19-02 INTRODUCTORY PROVISIONS

19.02.010 Short Title

This ordinance shall be known as the "Zoning Code of the *Village* of Wheeling, Illinois", and may be so cited, and further reference elsewhere as the "Wheeling Zoning Code", and herein as "this Code", "this Title" or as "this Ordinance", shall imply the same wording and meaning as the full Title.

19.02.020 General Purpose and Intent

This zoning Title, adopted pursuant to the provisions of Sections 11-13-1 through 11-13-19, inclusive, of the Illinois Municipal Code, passed by the general assembly of the State of Illinois and enacted into law on May 29, 1961, and as amended from time to time thereafter, is intended to serve the following purposes:

- A. To promote and protect the public health, safety, morals, comfort, convenience, and the general welfare of the people;
- B. To implement the provisions of the *Village* of Wheeling's *Comprehensive Plan*;
- C. To protect the character and maintain the stability of residential, *business*, commercial, and manufacturing areas within the *Village*, and to promote the orderly and beneficial development of such areas;
- D. To divide the *Village* into zones and districts restricting and regulating therein the location, *construction*, reconstruction, *alteration*, and *use* of *buildings*, *structures*, and land for residential, *business*, commercial, manufacturing and other specified *uses*;
- E. To provide adequate light, air, privacy, and convenience of access to property;
- F. To regulate the intensity of *use* of zoning *lots*, and to determine the area of *open spaces* surrounding *buildings* necessary to provide adequate light and air and protect the public health;
- G. To establish *building lines* and the location of *buildings* designed for residential, *business*, commercial, manufacturing, or other *uses* within such lines;
- H. To fix reasonable standards to which *buildings* or *structures* shall conform;
- I. To prohibit *uses*, *buildings* or *structures* which are incompatible with the character of development or the *permitted uses* within specified zoning districts;
- J. To prevent such additions to, and *alterations* or remodeling of, existing *buildings* or *structures* as would not comply with the restrictions and limitations imposed hereunder;
- K. To limit congestion in the public *streets* and so protect the public health, safety, convenience, and the general welfare by providing for sufficient on or *off-street parking* of motor vehicles and for the loading and unloading of *commercial vehicles*;
- L. To prevent the overcrowding of land and undue concentration of *structures*, so far as is possible and appropriate in each district, by regulating the *use* and the bulk of *buildings* in relation to the land surrounding them;
- M. To lessen or avoid hazards to *persons* and damage to property resulting from the accumulation or runoff of storm water or floodwaters;
- N. To conserve the value of land and *buildings* throughout the *Village*;

**** See Definitions (Chapter 19-01) for terms in italics ****

- O. To provide for the gradual elimination of those *uses* of land, *buildings*, and *structures* and of those *buildings* and *structures* which do not conform with the standards of the district in which they are respectively located and are adversely affecting the development and value of property in each district;
- P. And to define and limit the powers and duties of the administration officers and bodies as provided herein.

19.02.030 Interpretation

- A. Minimum requirements herein
The provisions of this Title shall be held to be the minimum requirements for the promotion of the public health, safety, morals and welfare of the *Village*.
- B. Conflict with other regulations
Whenever the requirements of this Title conflict with the requirements of any other lawfully adopted laws and ordinances, the most restrictive, or that imposing the higher standards, shall govern.
- C. Cumulative provisions
The provisions of this Title are cumulative and pose additional limitations upon all other laws and ordinances, heretofore passed or which may be passed hereafter, governing any subject matter in this Title.
- D. Existing unlawful buildings, uses
No *building*, *structure*, or *use* which was not lawfully existing and not deemed to be legally conforming at the time of the adoption of this Title shall become or be made lawful solely by reason of the adoption of this Title; and to the extent that, in any manner, the unlawful *building*, *structure* or *use* is in conflict with the requirements of this Title, it remains unlawful.
- E. Consent not implied; Permits, Licenses and approvals required
Nothing contained in this Title shall be deemed to be a consent, license or permit to *use* any property or to locate, construct or maintain any *building*, *structure* or facility or to carry on any trade, industry, occupation or activity, without the required permits, licenses and/or approvals.
- F. Conflict with covenants
This Title is not intended to abrogate any *easement*, covenant, or any private agreement; provided, that where the regulations of this Title are more restrictive, the requirements of this Title shall govern.
- G. Language
 - 1. Words used in this ordinance shall have their customary and ordinary meanings as defined in a standard dictionary, except for specific words and phrases as defined in this ordinance.
 - 2. The present tense includes the past and future tenses. Singular words shall include the plural, and plural words shall include the singular.
 - 3. Any word denoting gender includes the female, male and neuter.
 - 4. The word "*person*" includes an individual, a firm, association, partnership, trust, company, corporation or any other legal entity.
 - 5. The phrase "used for" includes the phrases, "arranged for", "designed for", "intended for", "maintained for" and "occupied for".
 - 6. The word "shall" is mandatory; the word "may" is permissive.

**** See Definitions (Chapter 19-01) for terms in italics ****

7. Unless the context clearly indicates to the contrary, where an illustration accompanies any item within this Title, the written text and its interpretation shall have precedence over said illustration.

H. Available Relief

Variations from the provisions of this Title are available under the provisions of 19.13.030 to the full extent of the law.

19.02.040 Jurisdiction and Utility Exemption

A. Corporate Limits

The provisions of this Title shall apply only to *buildings*, other *structures* and land within the corporate limits of the *Village* of Wheeling.

B. Exemptions

Public utilities subject to regulation by the Illinois Commerce Commission, or by a federal agency, bureau or commission, and franchised by the Board of Trustees to operate within the corporate limits, may locate their poles, *towers*, wires, cables, conduits, vaults, laterals or other similar distributing equipment without the necessity of complying with the provisions of this Title.

19.02.050 Zoning of Annexed Areas

All land which shall hereafter be annexed to the *Village* of Wheeling shall be automatically classified in the R-1 Single-Family Residential District. A public hearing before the Plan Commission requesting a particular zoning designation shall be held upon proper application to the *Village*. Such public hearing may be held prior to the recording date of any such annexation, but final action thereon shall not be taken by the Board of Trustees until after the ordinance annexing said land has been properly recorded.

19.02.060 Severability

If any court of competent jurisdiction renders any provision of this Title invalid, that ruling shall not affect any provision not specifically included in the judgment. If any court of competent jurisdiction rules invalid the application of any provision of this Title to any particular property, *building*, or other *structure* or *use*, that ruling shall not affect the application of the provision to any property, *building*, or other *structure* or *use* not specifically included in the judgment.

CHAPTER 19-03 GENERAL PROVISIONS

19.03.010 Establishment of Districts

The *Village* of Wheeling is divided into the following Districts and Overlay Area:

- R-1 Single-Family Residential District
- R-1A Single-Family Residential District
- R-2 Single-Family Residential District
- R-3 Single-Family Residential District
- R-3A Single-Family Residential District
- R-4 Multiple-Family Residential District
- MXT Transit Oriented Mixed Use District
- MXC Commercial-Residential Mixed Use Area
- MXO Open Space-Residential Mixed Use District
- MXI Industrial Mixed-Use District
- Open Space Overlay District
- B-1 Planned Shopping Center District
- B-2 Neighborhood Commercial District
- B-3 General Commercial and Office District
- I-1 Light Industrial and Office District
- I-2 Limited Industrial District
- I-3 General Industrial District
- I-4 Heavy Industrial District
- AP Airport District
- RPZ Runway Protection Zone and Transition Area

19.03.020 Uses Restricted

No *building* or other *structure* shall hereafter be erected, altered or enlarged, and no *use* of land shall hereafter be established or enlarged within the *Village* of Wheeling for any *use* except a *use* that is permitted within the zoning district in which the *building*, *structure* or land is located. *Uses* that are not explicitly permitted under the provisions of this Title are expressly prohibited. There shall be three exceptions to the foregoing requirement:

- A. Preexisting Lawful Uses
Uses lawfully established on the effective date of the ordinance codified in this Title may be continued subject to the provisions of 19.10.040, regarding *nonconforming uses*.
- B. Special Uses
Special Uses may be allowed, but only in accordance with the provisions of 19.10.030.
- C. Similar Uses
Similar Uses may be allowed, but only in accordance with the provisions of 19.10.020.

19.03.030 Lot Area Reduction and Joint Use Restricted

- A. Reduction in Lot Area Prohibited
Except as provided for in Section 19.04.010, Subsection C, no *lot* may be reduced in area below the minimum *lot area* as specified herein for the district in which the *lot* is located. However, all parts of a vacant *lot* may be attached to adjoining *lots* and the vacant *lot* may be eliminated.

**** See Definitions (Chapter 19-01) for terms in italics ****

B. Yard Reduction Prohibited

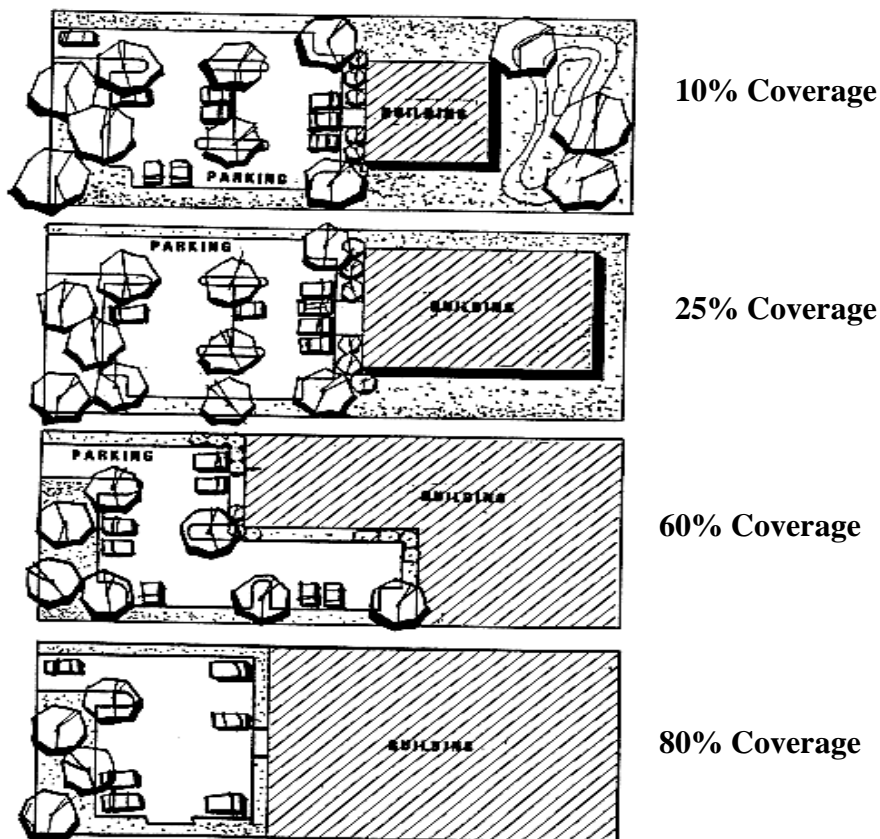
1. No *yard* or other *open space* provided around any *building* or other *structure* for the purposes of complying with the provisions of these regulations shall be considered as providing *yard* or *open space* for any other *building* or *structure*.
2. No *yard* or *open space* on an adjoining property shall be considered as providing a *yard* or *open space* on a *lot* whereon a *building* or other *structure* is to be erected.

19.03.040 Dimensions Restricted

A. Exceeding Lot Coverage Percentage

No *building* or other *structure* shall hereafter be erected, altered or enlarged so as to exceed the *lot coverage percentage* of the district in which the *building* or *structure* is located.

Figure 10: Examples of Lot Coverage



B. Exceeding Building Height

When a maximum *building height* is specified in any district or for any particular type of *building* or other *structure*, then no such *building* or *structure* shall hereafter be erected, altered or enlarged so as to exceed such maximum *building height* except as permitted under 19.03.060.

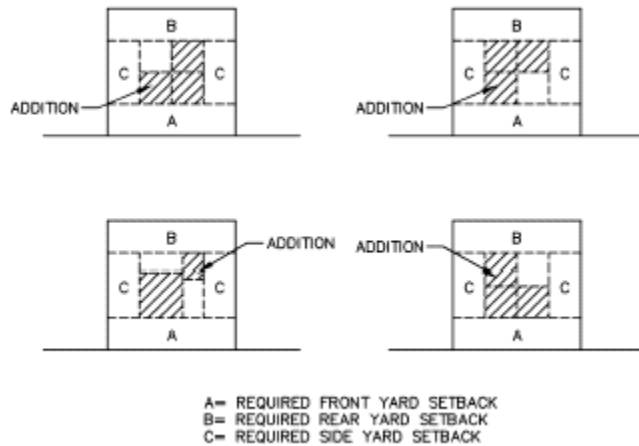
C. Yard Requirements

No *building* or other *structure* shall hereafter be erected, altered or enlarged, nor shall any *use* of land be established or enlarged unless the minimum *front, side and rear setbacks* specified for the

**** See Definitions (Chapter 19-01) for terms in italics ****

district are maintained except as permitted in this Title, or by *variance* as provided for in this Title. All additions to *principal buildings*, including attached garages, shall comply with the yard requirements for the *principal buildings*.

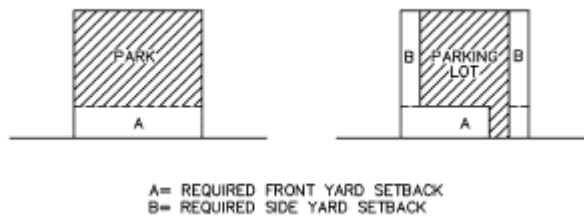
Figure 11: Examples of Additions to *Principal Buildings*



D. Setbacks for Lots without Buildings

Where a *lot* is to be occupied for a *permitted use* without *buildings*, the *front and side setbacks* of the district in which such *lot* is located shall be provided and maintained unless otherwise stipulated in this Title, except that *side setbacks* shall not be required on *lots* used for garden purposes without buildings or *structures*, nor on *lots* used for public recreation areas.

Figure 12: Examples of Setbacks for Lots without Buildings



19.03.050 Limitations on Conversion for Residential Use

A. Converting so as to Conflict

No *building* or other *structure* shall be converted to residential *use* so as to conflict, or further conflict, with the *lot area* per dwelling unit requirements for the district in which such *building* or *structure* is located.

B. Provisions for Converting

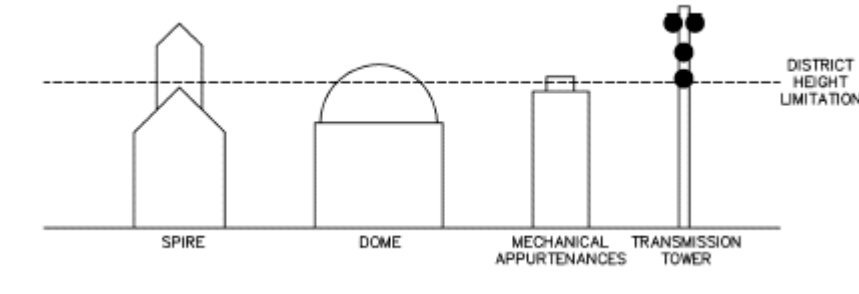
No *building* containing *dwelling units* shall hereafter be converted unless the gross *floor area* when divided by the number of *dwelling units* within the *building* or *structure* produces a quotient of at least 500 square feet. For the purpose of this section, a lodging room may be considered as three-quarters of a *dwelling unit*.

**** See Definitions (Chapter 19-01) for terms in italics ****

19.03.060 Exceptions to Height Limitations

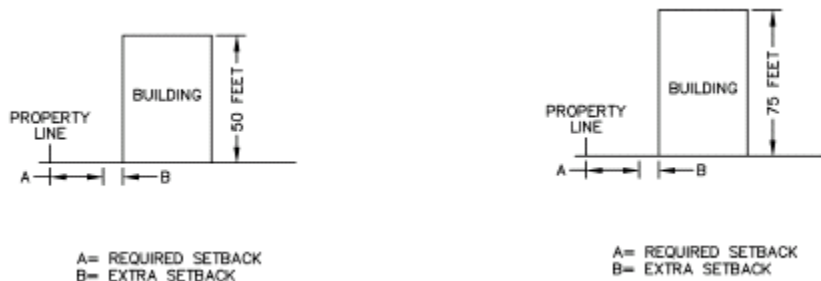
- A. The Plan Commission may grant exceptions to the height limitations of this Title for church spires, belfries, and domes not intended for human occupancy; monuments, water towers, *transmission towers*, utility poles, chimneys, *masts* and aerals, standpipes, similar *structures*, necessary mechanical *appurtenances* and their accessory screening, as part of *special use* review and approval, or as part of a site plan and appearance approval if special use review is not required.

Figure 13: Examples of Exceptions to Height Limitations



- B. Public or semi-public *buildings* or *hospitals* may be erected to a height not exceeding fifty (50) feet in residential districts and seventy-five (75) feet in other districts when the front, side, and rear yards are increased an additional foot for each foot such *buildings* exceed the height limitations of the district in which they are located, except in the Airport Operational Overlay Area.

Figure 14: Examples of Public or Semi-Public Buildings or Hospitals Height Exceptions



19.03.070 Number of Buildings per Lot Limited

A. Principal Buildings in all Districts

There shall be no more than one *principal building* per lot except as follows:

1. *Subdivision* of a multiple-family *building* for *condominium* ownership may be permitted.
2. More than one *principal building* may be permitted per lot in non-residential districts where all *buildings* on a lot constitute a unified industrial or commercial operation under one ownership provided all other requirements of that district are met.
3. More than one *principal building* per lot may be permitted on a lot which is located in any *Planned Unit Development* or any Mixed Use District.

B. Accessory Buildings

Accessory buildings and *structures* are regulated under 19.10.070.

**** See Definitions (Chapter 19-01) for terms in italics ****

19.03.080 Permitted Obstructions in *Required Yards*

The following shall be the maximum permitted obstructions in required yards. An exception increasing the following permitted obstructions up to 25% may be granted due to unique circumstances as determined by the Director of Community Development.

A. In all yards

Open at-grade terraces & patios, chimneys (maximum projection eighteen (18) inches), *fences*.

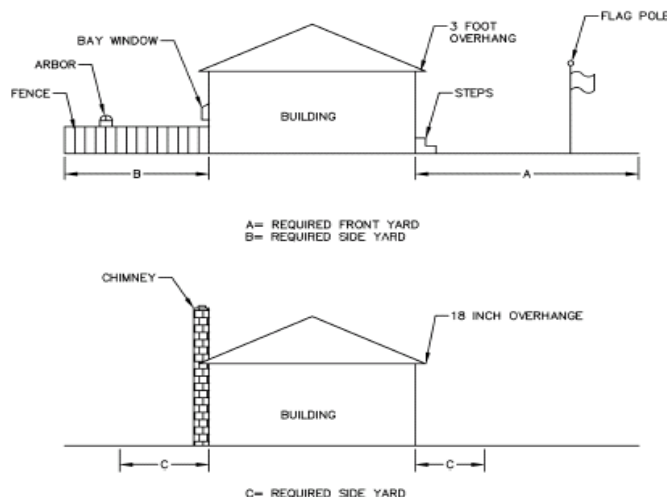
B. In front and rear yards

1. Steps, arbors, trellises, flagpoles (maximum height thirty (30) feet), and light poles.
2. The following may project up to three (3) feet into the *yard*: bay windows, overhanging eaves, and gutters.
3. A *porch* that is no wider than the width of the building wall may project up to five feet (5.0') into the required front yard and three feet (3.0') into the required rear setback. Regardless of the projection into the required setback, a porch shall not extend more than eight feet (8.0') from the front wall or twelve feet (12.0') from the rear wall.
4. A *deck* may project up to five feet (5.0') into the required front or rear setback. Regardless of the projection into the required setback, a deck shall not extend more than five feet (5.0') from the front wall or twelve feet (12.0') from the rear wall.
5. Above-ground swimming pools and associated platforms may be installed up to a maximum of five feet (5.0') in height and may project up to ten feet (10.0') into the required rear setback. No deck shall extend more than five feet (5.0') from the edge of the pool. No ladder, screen, fence, or railing with a height greater than six feet (6.0') may be located closer than six (6) feet to any property line.

C. In side yards

Overhanging eaves and gutters projecting eighteen (18) inches or less into *yard*.

Figure 15: Examples of Permitted Obstructions in *Yards*

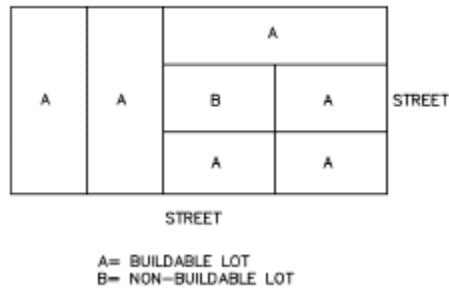


**** See Definitions (Chapter 19-01) for terms in *italics* ****

19.03.090 Access Required

No *building* shall be built on any *lot* unless such *lot* abuts a public right-of-way dedicated to a width designated by the *Village of Wheeling Official Map*.

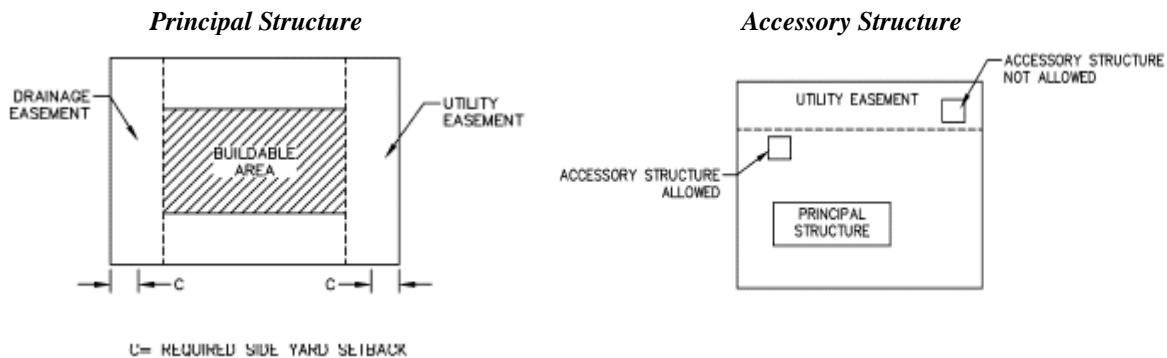
Figure 16: Example of Access Required



19.03.100 Construction Prohibited on Easements

No *building* or *structure* shall be allowed on any recorded utility or drainage *easement*.

Figure 17: Examples of Prohibited *Building* or *Structure* in *Easements*



19.03.110 Uses and Activities Hazardous to Aerial Navigation/Prohibited throughout the Village

Notwithstanding any other provisions of this Title, no *use* may be made of land or water within the *Village of Wheeling* in such a manner as to create electrical or electronic interference with navigational signals or radio or radar communication between the *airport* and aircraft, nor shall any flashing or illuminated advertising or *business* signs, billboards, or any other type of illuminated *structure* be used or installed which would be hazardous for pilots because of the difficulty in distinguishing between *airport* lights and others, or which result in glare in the eyes of pilots using the *airport*, thereby impairing visibility in the vicinity of the *airport* or endangering the landing, taking off or maneuvering of aircraft, nor shall any activity occur which would emit or discharge smoke that could be detrimental or injurious to the health, safety and general welfare of the public in the *use* of the *airport*.

19.03.120 Split-Lot Zoning

Where a zoning boundary splits a lot, resulting in differing and nonuniform requirements for two or more portions of the lot, each portion of the lot shall be bound by the regulations applicable to the zoning for that portion of the lot. This includes, but is not limited to, regulations applicable to use and bulk.

**** See Definitions (Chapter 19-01) for terms in italics ****

CHAPTER 19-04 RESIDENTIAL DISTRICTS

19.04.010 Residential District General Requirements

A. Site Plan Review Required

With the exception of individual detached single-family and individual two-family homes, in the Residential Districts, site plan review by the Plan Commission and approval by the Board of Trustees is required for all *new development* projects and any renovations involving *alteration* in *building* size, changes to the exterior of any *building*, or changes to site elements approved during a prior site plan review. All site plan submittals and reviews shall be conducted in accordance with Chapter 19-12 in all districts.

B. General Use Standards

1. Garages required

With the exception of *dwelling units* constructed prior to the effective date of this Ordinance, all *dwelling units* shall include a totally enclosed attached or detached garage a minimum of 528 square feet in size or equivalent space in indoor parking stalls. Detached garages shall be no larger than 800 square feet in area, and shall conform to district *setback* requirements for *accessory structures*. All garages shall meet the requirements of this Title and the most recently adopted *construction* codes. See Section 19.10.070 for additional regulations.

2. All new *principal buildings, structures* and other *uses* shall be provided with public utilities and served by public *streets*.

C. Pre-code minimum lot size and minimum lot width requirements

Any improved single-family lot or parcel of land in a single-family zoning district, held in one ownership prior to September 14, 1964, which was of record at the time of adoption of this code, that does not meet the requirements for minimum lot width, minimum side yard, or minimum area, may be utilized for a permitted use, provided that the lot width or area is not less than seventy-five percent of the current minimum required and side yard(s) are not less than ninety percent of the current minimum required or three feet, whichever is greater.

D. Parking and Circulation for all Multiple-family and Non-residential *Uses* in Residential Districts

1. Bicycle and *off-street parking* shall be provided in accordance with the provisions of Title 19.11.010.

2. All premises shall be furnished with all-weather service walks, designed for the safety and convenience of pedestrians. Where external sidewalks or bicycle paths exist, connections to these shall be provided.

3. Vehicular access to individual parcels shall be limited and controlled. When appropriate, existing *driveways* on the subject property or adjoining properties shall be combined and traffic circulation coordinated. Curb cuts shall be kept to the minimum number required to allow safe ingress/egress.

4. Access *Use*

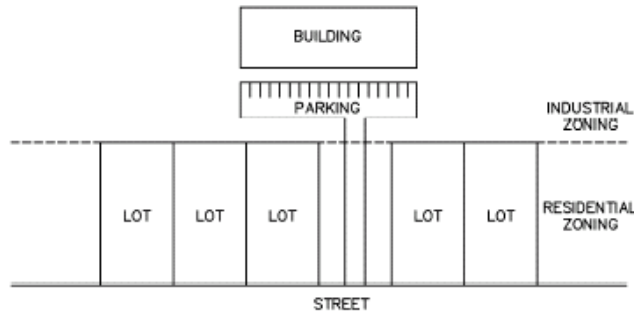
No land which is located in a residential district shall be used for motor vehicle access purpose to any land which is located in any *business* or industrial district.

5. Front yard paving

**** See Definitions (Chapter 19-01) for terms in italics ****

Front yard paving shall be reviewed and approved in conjunction with the original site plan approval for all multi-family and non-residential developments. Modifications shall be subject to, at minimum, minor site plan review. For front-loading garages, driveway and pad width shall not exceed the width of the garage plus a four foot (4.0') wide walkway.

Figure 18: Example of Prohibited Access Use



E. General Site Development Standards for all Multiple-family and Non-residential Uses

1. Landscaping shall be provided in accordance with the provisions of Title 19.11.020.
2. Exterior lighting where provided shall be in accordance with the provisions of Title 19.11.040.
3. Provisions shall be made for storage of refuse in accordance with Title 19.11.050.
4. Screening shall be provided in accordance with the provisions for Title 19.10.070.
5. Snow removal shall be considered in the design of all new multi-family and non-residential sites to allow for ease of snow plowing and adequate on-site snow storage. Site features, such as landscaping beds, building separation, and walkway locations, shall be reviewed with respect to snow removal.

F. General Regulations for Single-Family Districts

1. Parking in the R-1, R-1A, R-2, R-3, and R-3A districts shall be permitted only on paved driveway and parking areas on the lot. Parking and driveway areas in the required front yard shall not exceed forty percent (40%) of the width of the required front yard (including a front yard on a corner lot defined as a *street side yard*), or thirty feet (30.0'), whichever is less. Driveways shall not extend beyond the front plane of the house unless providing access to a garage.
2. All new construction, additions, and renovations in single-family districts shall be reviewed with respect to the definitions of *dwelling unit*, *single-family dwelling*, *two-family dwelling*, and *multi-family dwelling*. At the discretion of the Director of Community Development, additional documentation may be required prior to permit issuance for any development which involves the elements that could constitute an additional *dwelling unit* (sleeping facilities, cooking facilities, exterior access, sanitary facilities, or eating facilities).
3. Exterior Access
For exterior walls facing the front yard, access shall be limited to the ground level. Access above or below ground level may be provided on exterior walls facing a side or rear yard

**** See Definitions (Chapter 19-01) for terms in italics ****

provided that all interior areas of the home are connected and all setback requirements are met.

4. Garage location
Garages must be located in accordance with 19.10.070, Accessory Uses, Buildings and Structures, Subsection A, General Provisions.
5. Building separation
The minimum building separation as required by the life safety code may exceed the minimum required zoning setbacks. When the regulations are in conflict, the life safety code requirement shall supersede the zoning code requirement.
6. Street side setback reduction
The minimum required street side setback in all single family districts may be reduced by the amount which is necessary to provide a minimum buildable width of twenty feet (20'). The street side setback shall not be reduced to less than fifteen feet (15') without a variation.

19.04.020 R-1 Single-Family Residential District

A. Statement of Intent

The R-1 Single-Family Residential District is intended to accommodate single-family detached *dwellings* in settings with larger *lot* sizes and increased *open space* surrounding the dwellings than typically available in the *Village*, and is also intended to accommodate previously existing larger *lot* sizes and *subdivisions* annexed to the *Village*. Related educational, religious, recreational, and governmental facilities are intended to co-exist with single-family detached *dwellings* to stabilize existing neighborhoods and provide for orderly development or *redevelopment* to meet the demand for such *uses*.

B. Permitted Uses

1. *Accessory buildings* and *uses* customarily incidental to any of the *permitted uses*, subject to the provisions of 19.10.070.
2. See *Use Matrix* in Appendix A.

C. Special Uses

See *Use Matrix* in Appendix A.

D. Lot Requirements

Minimum <i>lot area</i>	12,000 square feet
Minimum <i>lot width</i>	
cul-de-sacs and curved <i>streets</i>	60 feet
straight <i>streets</i>	75 feet
Minimum <i>lot depth</i>	120 feet
Minimum <i>Floor Area</i> for Residential <i>Uses</i>	
<i>Single-family dwellings</i>	
Per <i>dwelling unit</i>	1,150 square feet
On the ground floor of multi-story dwellings	850 square feet

E. Setbacks and Height Restrictions – Principal Building

Minimum front and <i>street side setback</i>	25 feet
Minimum interior side <i>setback</i>	

**** See Definitions (Chapter 19-01) for terms in italics ****

aggregate total for both sides	15 feet
from either side	6 feet
Minimum rear <i>setback</i>	25 feet
Maximum <i>building height</i>	36 feet

F. *Setbacks and Height Restrictions - Detached Accessory buildings*

Accessory buildings are not allowed in any *front yard* in the R-1 district.

Minimum <i>side setback</i>	6 feet
Minimum <i>street side setback</i>	25 feet
Minimum <i>rear setback</i>	6 feet
Maximum <i>building height</i>	24 feet

19.04.025 R-1A Single-Family Residential District

A. *Statement of Intent*

The R-1A Single-Family Residential District is intended to accommodate existing single-family homes on larger lots in areas annexed to the Village that are not envisioned as residential areas in the Comprehensive Plan. Redevelopment with non-residential land uses is expected, and therefore residential redevelopment is discouraged.

B. *Permitted Uses*

1. Single-family homes in existence as of the effective date of this section.
2. Accessory buildings and uses customarily incidental to the existing single-family homes.

C. *Special Uses*

See section 19.10.040, Nonconforming Buildings, Structures, and Uses, subsection L, Special Provisions Applying to Properties Involuntarily Annexed to the Village after December 31, 1994.

D. *Lot Requirements*

Minimum <i>lot area</i>	12,000 square feet
Minimum <i>lot width</i>	
cul-de-sacs and curved <i>streets</i>	60 feet
straight <i>streets</i>	75 feet
Minimum <i>lot depth</i>	120 feet

E. *Minimum Floor Area for Residential Uses*

<i>Single-family dwellings</i>	
Per <i>dwelling unit</i>	1,150 square feet
On the ground floor of multi-story dwellings	850 square feet

F. *Setbacks and Height Restrictions – Principal Building*

Minimum front and <i>street side setback</i>	25 feet
Minimum interior side <i>setback</i>	
aggregate total for both sides	15 feet
from either side	6 feet
Minimum rear <i>setback</i>	25 feet
Maximum <i>building height</i>	36 feet

**** See Definitions (Chapter 19-01) for terms in italics ****

G. Setbacks and Height Restrictions - Detached Accessory buildings

Accessory buildings are not allowed in any *front yard* in the R-1A district.

Minimum <i>side setback</i>	6 feet
Minimum <i>street side setback</i>	25 feet
Minimum <i>rear setback</i>	6 feet
Maximum <i>building height</i>	24 feet

H. Improvements, Repairs, Restoration, and Alterations

Existing homes in the R-1A district may be improved, repaired, restored, and altered, subject to the setback and height restrictions provided in this section and all applicable life safety regulations. New construction shall not be permitted. Alterations which increase the building footprint by more than 25% shall not be permitted.

19.04.030 R-2 Single-Family Residential District

A. Statement of Intent

The R-2 Single-Family Residential District is intended to accommodate single-family detached *dwellings* in settings in mid-range *lot* sizes within the *Village*. Related educational, religious, recreational, and governmental facilities are intended to co-exist with single-family detached *dwellings* to stabilize existing neighborhoods and provide for orderly development or *redevelopment* to meet the demand for such *uses*.

B. Permitted Uses

1. *Accessory buildings* and *uses* customarily incidental to any of the *permitted uses*, subject to the provisions of 19.10.070.
2. See *Use Matrix* in Appendix A.

C. Special Uses

See *Use Matrix* in Appendix A.

D. Lot Requirements

Minimum <i>lot area</i>	8,500 square feet
Minimum <i>lot width</i>	
cul-de-sacs and curved <i>streets</i>	50 feet
straight <i>streets</i>	75 feet
Minimum <i>lot depth</i>	100 feet

E. Minimum Floor Area for Residential Uses

<i>Single-family dwellings</i>	
Per <i>dwelling unit</i>	1,150 square feet
On the ground floor of multi-story dwellings	850 square feet

F. Setbacks and Height Restrictions – Principal Building

Minimum front and <i>street side setback</i>	25 feet
Minimum interior <i>side setback</i>	
aggregate total for both sides	15 feet
from either side	6 feet
Minimum <i>rear setback</i>	25 feet
Maximum <i>building height</i>	36 feet

**** See Definitions (Chapter 19-01) for terms in italics ****

G. Setbacks and Height Restrictions - Detached Accessory buildings

Accessory buildings are not allowed in any *front yard* in the R-2 district.

Minimum <i>side setback</i>	6 feet
Minimum <i>street side setback</i>	25 feet
Minimum <i>rear setback</i>	6 feet
Maximum <i>building height</i>	24 feet

19.04.040 R-3 Single-Family Residential District

A. Statement of Intent

The R-3 Single-Family Residential District is intended to accommodate single-family detached *dwellings* in settings with traditional *lot* sizes within the *Village*. Related educational, religious, recreational, and governmental facilities are intended to co-exist with single-family detached *dwellings* to stabilize existing neighborhoods and provide for orderly development or *redevelopment* to meet the demand for such *uses*.

B. Permitted Uses

1. *Accessory buildings* and *uses* customarily incidental to any of the *permitted uses*, subject to the provisions of 19.10.070.
2. See *Use Matrix* in Appendix A.

C. Special Uses

See *Use Matrix* in Appendix A.

D. Lot Requirements

Minimum <i>lot area</i>	7,000 square feet
Minimum <i>lot width</i>	
cul-de-sacs and curved <i>streets</i>	35 feet
straight <i>streets</i>	60 feet
Minimum <i>lot depth</i>	100 feet

E. Minimum Floor Area for Residential Uses

Single-family dwellings

Per <i>dwelling unit</i>	1,150 square feet
On the ground floor of multi-story dwellings	850 square feet

F. Setbacks and Height Restrictions – Principal Building

Minimum front and <i>street side setback</i>	25 feet
Minimum interior side <i>setback</i>	
aggregate total for both sides	10 feet
from either side	3 feet
Minimum rear <i>setback</i>	19 feet
Maximum <i>building height</i>	30 feet

G. Setbacks and Height Restrictions - Detached Accessory buildings

Accessory buildings are not allowed in any *front yard* in the R-3 district.

Minimum <i>side setback</i>	6 feet
-----------------------------	--------

**** See Definitions (Chapter 19-01) for terms in italics ****

Minimum <i>street side setback</i>	25 feet
Minimum rear <i>setback</i>	6 feet
Maximum <i>building height</i>	24 feet

19.04.050 R-3A Single-Family Residential District

A. Statement of Intent

The R-3A Single-Family Residential District is intended to accommodate single-family detached *dwelling*s in settings with traditional *lot* sizes within the *Village*. Related educational, religious, recreational, and governmental facilities are intended to co-exist with single-family detached *dwelling*s to stabilize existing neighborhoods and provide for orderly development or *redevelopment* to meet the demand for such *uses*.

B. Permitted Uses

1. *Accessory buildings* and *uses* customarily incidental to any of the *permitted uses*, subject to the provisions of 19.10.070.
2. See *Use Matrix* in Appendix A.

C. Special Uses

See *Use Matrix* in Appendix A.

D. Lot Requirements

Minimum <i>lot area</i>	6,000 square feet
Minimum <i>lot width</i>	
cul-de-sacs and curved <i>streets</i>	35 feet
straight <i>streets</i>	50 feet
Minimum <i>lot depth</i>	100 feet

E. Minimum Floor Area for Residential Uses

<i>Single-family dwelling</i> s	
Per <i>dwelling unit</i>	1,150 square feet
On the ground floor of multi-story <i>dwelling</i> s	850 square feet

F. Setbacks and Height Restrictions – Principal Building

Minimum front and <i>street side setback</i>	25 feet
Minimum interior side <i>setback</i>	
aggregate total for both sides	10 feet
from either side	3 feet
Minimum rear <i>setback</i>	19 feet
Maximum <i>building height</i>	30 feet

G. Setbacks and Height Restrictions - Detached Accessory buildings

Accessory buildings are not allowed in any *front yard* in the R-3A district.

Minimum side <i>setback</i>	6 feet
Minimum <i>street side setback</i>	25 feet
Minimum rear <i>setback</i>	6 feet
Maximum <i>building height</i>	24 feet

**** See Definitions (Chapter 19-01) for terms in italics ****

19.04.060 R-4 Multiple-Family Residential District

A. Statement of Intent

The R-4 Multiple-family District is established to stabilize and conserve existing neighborhoods that predominantly consist of *multiple-family dwellings* built at moderate to high *density*. These districts are also intended to promote the development of comparable new areas in order to accommodate *persons* desiring this type of residential environment. Developments in the R-4 Multiple-Family District are required to have site plan approval in accordance with Chapter 19-12.

B. Permitted Uses

1. *Accessory buildings* and *uses* customarily incidental to any of the *permitted uses*, subject to the provisions of 19.10.070.
2. See *Use Matrix* in Appendix A.

C. Special Uses

See *Use Matrix* in Appendix A.

D. Lot Requirements

Minimum <i>lot area</i>	20,000 square feet
Minimum <i>lot width</i>	125 feet
Minimum <i>lot depth</i>	125 feet

E. Minimum Floor Area for Dwelling Units Located in Multiple-Family Buildings

Dwelling units located in Multiple-family *buildings*, minimum *floor area*

Floor area is calculated excluding public halls and utility areas.

Efficiency and one-bedroom units	675 square feet
Two-bedroom units	800 square feet
Three-bedroom units	925 square feet
For each additional <i>bedroom</i> over three, add	125 square feet

F. Setbacks and Height Restrictions – Principal Building

Minimum front and <i>street side setback</i>	30 feet
Minimum <i>setback</i> , interior side	30 feet
Minimum rear <i>setback</i>	30 feet
Maximum <i>building height</i>	35 feet, or no more than 3 stories
Distance between <i>buildings</i>	
One <i>story building</i>	20 feet
Two- <i>story building</i>	30 feet
Three- <i>story building</i>	40 feet

G. Additional Restrictions - Detached Accessory buildings and Parking

Accessory buildings are not allowed in any *front yard* in the R-4 district.

Minimum side <i>setback</i>	6 feet
Minimum <i>street side setback</i>	15 feet
Minimum rear <i>setback</i>	6 feet
Maximum <i>building height</i>	24 feet
Minimum <i>parking setback, all sides</i>	10 feet
Minimum <i>parking pad size</i>	9 feet by 19 feet

H. Density Limited

**** See Definitions (Chapter 19-01) for terms in italics ****

Maximum *density*, town home 14 units per *net acre*
Maximum *density*, other 20 units per *net acre*
Maximum units per town home *building* 6

I. Multiple-Family *Building* Design Standards

1. See Appendix D, Design Guidelines, for requirements such as exterior building materials, colors, roof design, utility placement, and screening.

J. Multi-Family General Standards

See Section 19.04.010 for additional requirements applicable to multi-family uses.

K. Owners' Association Required

For new multi-family residential properties where property will be held in common ownership, the petitioner shall indicate the manner in which a single owners' association will be established. This shall include, but is not limited to, the proposed Declaration of Covenants and Restrictions, Articles of Incorporation, and association by-laws.

CHAPTER 19-05 MIXED USE AND OVERLAY DISTRICTS

19.05.010 Mixed Use Districts General Requirements

A. Intent

The MX Mixed Use Districts are intended to facilitate the development and *redevelopment* of areas suited to a combination of commercial and residential *uses*. It is recognized that some mature parts of the *Village* are comprised of a variety of compatible *uses* and the Mixed Use Districts are created for the purpose of maintaining the vitality of such areas and encouraging appropriate *redevelopment* as necessary. It is also noted that the *Village's Comprehensive Plan* identifies several areas as appropriate for new *mixed use* development in the future, and these districts are also created to meet that need.

B. Site Plan Review Required

In the MX Mixed Use Districts, site plan review by the Plan Commission and approval by the Board of Trustees is required for all *new development* projects including single-family and two-family homes and any renovations involving *alteration in building size*, changes to the exterior of any *building*, or changes to site elements approved during a prior site plan review. All site plan submittals and reviews shall be conducted in accordance with Chapter 19-12.

C. Description of Mixed Use Zoning Districts

Projects proposed in each of the Mixed Use Districts will be reviewed and evaluated according to the objectives of the Comprehensive Plan and the Station Area Plan. The intent of each of the three Mixed Use Districts will guide future development in these areas.

1. MXT - Transit oriented mixed use district. The MXT is the highest density district of the four mixed use districts. The Comprehensive Plan and Station Area Plan envision a town center surrounding the commuter rail station with a mix of retail, service, and residential uses.
2. MXC - Commercial-residential mixed use area. The MXC is intended to be less dense than the MXT district. The Comprehensive Plan envisions a mix of residential and retail uses, either within the same *building* or in close proximity to each other.
3. MXO - Open space-residential mixed use district. The MXO is the lowest density district of the four mixed use districts. This district is intended to encourage less intense land use in environmentally sensitive areas. The Comprehensive Plan envisions lower density residential development (possibly by clustering) mixed with active or passive open space and recreation areas.
4. MXI - Industrial mixed use. The MXI is intended to be similar to the MXC and MXT districts with the exception that certain light industrial uses are also permitted.

D. General Use Standards

1. All *business* establishments shall be retail or service establishments dealing directly with consumers, except as provided for in the MXI District.
2. All operations, activities and storage shall be conducted or maintained wholly inside enclosed *buildings*, with the exception of outdoor dining, automobile parking, *off-street loading* areas, parking during *business* hours of trucks and service vehicles owned or operated by the *business*, and storage of landscaping materials for retail sale, where any of these activities are allowed in conjunction with an approved *use*.

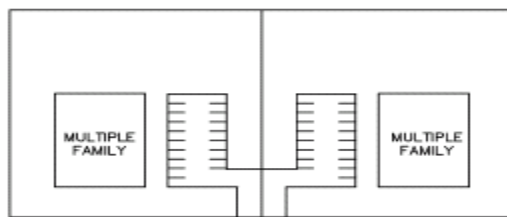
**** See Definitions (Chapter 19-01) for terms in italics ****

3. *Outdoor storage* as defined in Chapter 1 shall not be permitted.
4. All new *principal buildings, structures* and other *uses* shall be provided with public utilities and served by public *streets*.

E. Parking and Circulation for all Multiple-family and Non-residential Uses

1. All premises shall be furnished with all-weather service walks, designed for the safety and convenience of pedestrians. Where external sidewalks or bicycle paths exist, connections to these shall be provided.
2. Vehicular access to individual parcels shall be limited and controlled. When appropriate, existing *driveways* on the subject property or adjoining properties shall be combined and traffic circulation coordinated. Curb cuts shall be kept to the minimum number required to allow safe ingress/egress.

Figure 21: Example of Limited Access



F. Garages Required

With the exception of *dwelling units* constructed prior to the effective date of this Ordinance, all *dwelling units* shall include a totally enclosed attached or detached garage a minimum of 528 square feet in size or equivalent space in indoor parking stalls. Detached garages shall be no larger than 800 square feet in area, and shall conform to district *setback* requirements for *accessory structures*. All garages shall meet the requirements of this Title and the most recently adopted *construction codes*.

G. Front Yard Setback Exceptions

In the Mixed Use Districts, the *front yard setback* requirements of this Title shall not apply to any *lots* where the average existing *setback* on *lots* located wholly or in part within one hundred (100) feet on each side of said *lot*, within the same block and zoning district, and fronting on the same side of the *street* as such *lot*, is less than the minimum *setback* required. In such cases, *setback* on such *lots* may be less than the required *setback* but not less than the average of the existing *setbacks* on the aforementioned *lots* or within ten (10) feet, whichever is greater.

H. Required Mix of Uses

A mix of *uses*, either within a single *building* or on a development site, shall be provided unless it can be demonstrated that adjacent properties provide a complimentary diversity of *uses*. Residential *uses* are encouraged, but are not permitted on the ground floor of mixed-use *structures*. Residential *uses* in separate *buildings* may be permitted if approved by the Plan Commission and Village Board as part of an overall *mixed use* area Master Plan. The *uses* allowed in any MX Mixed Use District shall be strictly based upon those *uses* specified for that area in the Village's *Comprehensive Plan* in effect at the time of project approval.

I. Permitted Uses

1. *Accessory buildings* and *uses* customarily incidental to any of the *permitted uses*, subject to the provisions of 19.10.070.
2. See *Use Matrix* in Appendix A.

**** See Definitions (Chapter 19-01) for terms in italics ****

J. *Special Uses*

See *Use Matrix* in Appendix A.

K. *Planned Unit Development Approval*

1. Any development with a gross site area two (2) acres or more in size within any MX Mixed Use District shall obtain Board of Trustees approval as a *Planned Unit Development*, pursuant to the procedures of 19.09.010. Developments with a gross site area less than two (2) acres in size shall utilize B-3 and R-4 regulations as a basis, while meeting the intent of the particular MX District in which it is located.
2. After *Planned Unit Development* approval the *mixed use* development area shall retain the MX Mixed Use zoning designation.

L. *Development Standards*

1. All development standards for properties located in any Mixed Use District shall be established through the *Planned Unit Development* process. These standards may differ from one Mixed Use District to another, and from one parcel to another within a given Mixed Use District, in order to meet the purpose and intent of this zoning ordinance with special consideration to the provisions of the *Village's Comprehensive Plan* as they relate to the area under consideration. See Appendix D, Design Guidelines, for requirements such as exterior building materials, colors, roof design, utility placement, and screening. The base zoning regulations for all Mixed Use Districts shall be as follows:
 - a. Portions of a development that are completely commercial in nature shall be considered with respect to the B-3 district regulations.
 - b. Portions of a development that are completely residential in nature shall be considered with respect to the R-4 district regulations.
 - c. Portions of a development including mixed-use buildings shall be considered with respect to Section 19.05.010 H, the setback and height regulations of the B-3 district, the residential density and related regulations of the R-4 district, and the parking regulations for each type of use as described in Section 19.11.010(E).
2. The development standards that shall be established with the *Planned Unit Development* process include:
 - a. Minimum *Lot Area*
 - b. Maximum *Lot Coverage*
 - c. Minimum *Green Space*
 - d. Minimum *Setbacks*, both principal and *accessory buildings*.
 - e. Maximum *Building Height*
 - f. *Dwelling Unit Density*
 - g. Minimum *Dwelling Unit Living Area*
 - h. Landscaping and *Bufferyard* Requirements
 - i. Minimum design standards
3. Bicycle and *off-street parking* shall be provided in accordance with the provisions of Title 19.11.010.
4. Exterior lighting where provided shall be in accordance with the provisions of Title 19.11.040.

** See Definitions (Chapter 19-01) for terms in italics **

5. Provisions shall be made for the storage of refuse in accordance with Title 19.11.050, except in the case of infill and *redevelopment* projects where the Plan Commission shall be authorized to grant exceptions to these requirements due to site constraints or for other just cause.
6. Exterior building materials for all developments in the Mixed Use Districts shall meet, at minimum, the standards outlined in Appendix D, Design Guidelines, for requirements such as exterior building materials, colors, roof design, utility placement, and screening. The proposed building materials shall be labeled on the elevations provided with the Concept Plan submittal so that the Plan Commission and Board can provide direction prior to the Preliminary PUD submittal.

19.05.020 Open Space Overlay District

A. Statement of Intent

The Open Space Overlay District is intended to protect and preserve open space land from further development while providing land for citizens to actively pursue recreational activities.

B. Permitted Uses

1. Uses specifically intended to enable citizens to utilize the open space and recreational facilities. These uses include: Parks, Playgrounds, Playing Fields, Sport Courts, Picnic Areas, Pathways and Trails, Gazebos and Park Shelters, Public Recreation Center, Public Community Center, Public Senior Center, Public Golf Courses, Public Aquatic Facilities, Public Cultural Facilities, Public Educational Facilities, *Farmers' Market* (as defined herein; see Appendix A, end note 12).
2. Uses intended for storm water detention or retention.

C. Special Uses

1. *Accessory buildings or structures* used specifically for storing maintenance equipment or vehicles.
2. *Accessory buildings or structures* that include restroom facilities.
3. Skate parks.
4. Facilities specifically designated as Dog Parks.
5. Zoos or Zoological Gardens.

D. Lot Requirements

1. Minimum lot size (for active uses or structures) 20,000 square feet
2. Maximum lot coverage (excluding all designated play structures and required safety surface) 50%

E. Setbacks, Size & Height Restrictions

Minimum setback from any street	25 feet
Minimum rear yard setback	25 feet
Minimum side yard setback	20 feet
Minimum setback from any residential lot line	25 feet
Minimum parking setback, all sides	20 feet
Maximum height	30 feet

F. Design Standards

1. See Appendix D, Design Guidelines, for requirements such as exterior building materials, colors, roof design, utility placement, and screening.

** See Definitions (Chapter 19-01) for terms in italics**

CHAPTER 19-06 COMMERCIAL DISTRICTS

19.06.010 Commercial District General Requirements

A. Site Plan Review Required

In the Commercial Districts, site plan review by the Plan Commission and approval by the Board of Trustees is required for all *new development* projects and any renovations involving *alteration* in *building* size, changes to the exterior of any *building*, or changes to site elements approved during a prior site plan review. All site plan submittals and reviews shall be conducted in accordance with Chapter 19-12.

B. General Use Standards

1. All ground floor *business* establishments shall be retail or service establishments dealing directly with consumers.
2. All operations, activities and storage shall be conducted or maintained wholly inside enclosed *buildings*, with the exception of outdoor dining, automobile parking, *off-street loading* areas, sale of automobile fuel and lubricants, parking during *business* hours of trucks and service vehicles owned or operated by the *business*, and storage of landscaping materials for retail sale, where any of these activities are allowed in conjunction with an approved *use*.
3. No part of any *building* shall be used for residential purposes, except as follows:
 - a. A single apartment, for the *use* of the *owner* or operator of the premises may be permitted, provided it is located above the first floor.
 - b. Accommodation offered to the transient public by motels, *hotels*, inns and *bed and breakfast* establishments may be provided in the districts where such *uses* are allowed.
 - c. Within an approved Planned Unit Development within the B-3 District.
4. *Outdoor storage* as defined in Chapter 1 shall not be permitted.
5. All new *principal buildings, structures* and other *uses* shall be provided with public utilities and served by public *streets*.

C. Parking and Circulation

1. Bicycle and *off-street parking* shall be provided in accordance with the provisions of Title 19.11.010.
2. All premises shall be furnished with all-weather service walks, designed for pedestrian safety and convenience. Where external sidewalks or bicycle paths exist, connections to these shall be provided.
3. Vehicular access to individual parcels shall be limited and controlled. When appropriate, existing *driveways* on the subject property or adjoining properties shall be combined and traffic circulation coordinated. Curb cuts shall be kept to the minimum number required to allow safe ingress/egress.

D. General Site Development Standards

1. Landscaping and *buffers* shall be provided in accordance with the provisions of 19.11.020.
2. Exterior lighting where provided shall be in accordance with the provisions of 19.11.040.

**** See Definitions (Chapter 19-01) for terms in italics ****

3. Provisions shall be made for storage of refuse in accordance with 19.11.050.

E. Front yard Setback Exceptions

In the Commercial Districts, the *front yard setback* requirements of this Title shall not apply to any *lots* where the average existing *setback* on *lots* located wholly or in part within 100 feet on each side of said *lot*, within the same block and zoning district, and fronting on the same side of the *street* as such *lot*, is less than the minimum *setback* required. In such cases, *setback* on such *lots* may be less than the required *setback* but not less than the average of the existing *setbacks* on the aforementioned *lots* or within ten (10) feet, whichever is greater.

F. Commercial District Design Standards

1. See Appendix D, Design Guidelines, for requirements such as exterior building materials, colors, roof design, utility placement, and screening.

19.06.020 B-1 Planned Shopping Center District

A. Statement of Intent

The B-1 Planned Shopping Center District is an intensive commercial classification which provides for many retail, service, office, institutional and public *uses*, or a combination thereof. *Structures* located in this district may vary from freestanding *buildings* to larger community *shopping centers*. Projects in the B-1 District have a total area of at least ten (10) acres and are approved as one unified development, although they may consist of multiple contiguous parcels. Typically, this district is located at the convergence of major arterial thoroughfares where both adequate land area and transportation access can be provided.

B. Permitted Uses

1. *Accessory buildings* and *uses* customarily incidental to any of the *permitted uses*, subject to the provisions of 19.10.070.
2. See *Use Matrix* in Appendix A.

C. Special Uses

See *Use Matrix* in Appendix A. Please note *Planned Development* are special uses in the B-1 district. See Chapter 19.09.010 for regulations, standards, and application process.

D. Lot Requirements

1. Minimum area
 - a. In no case shall a *lot* or tract in the B-1 Planned Shopping Center District be less than ten (10) acres in size, with the exception of satellite *lots* and those *lots* zoned B-1 as of the effective date of this Ordinance. Satellite *lots* may be created as part of a unified development, provided at least one *lot* in the development is greater than ten (10) acres in size.
 - b. All *lots* or tracts shall be of adequate size to meet all the requirements of this Title. It may be necessary to exceed the minimum *lot* size to meet these requirements. The requirements include, but are not limited to minimum *building setbacks*, provision of adequate parking, lot coverage limits, *bufferyards*, etc.
2. Maximum *lot* coverage (all *buildings* and *structures*) 25%
3. Minimum Green Space 35%

E. Setbacks, Size & Height Restrictions – Principal Building

**** See Definitions (Chapter 19-01) for terms in italics ****

Minimum <i>setback</i> from any <i>street</i>	50 feet
Minimum <i>rear yard setback</i>	50 feet
Minimum <i>side yard setback</i>	50 feet
Minimum <i>setback</i> from any residential <i>lot line</i>	85 feet
Minimum parking <i>setback</i> , all sides	10 feet
Maximum <i>building height</i>	50 feet, not to exceed four stories

F. Setbacks & Height Restrictions - Detached Accessory Buildings

All *setbacks* are the same as for *principal buildings*.

Maximum *building height* 20 feet

19.06.030 B-2 Neighborhood Commercial District

A. Statement of Intent

The B-2 Neighborhood Commercial District provides for the development of small *shopping centers*. The district is generally located at the convergence of secondary arterial or collector thoroughfares and is relatively small in size. In addition to commercial *uses*, a range of personal *service establishments* and *business service uses*, office *uses*, institutional and public *uses*, parking facilities, public services and utilities are allowed.

B. Permitted Uses

1. *Accessory buildings* and *uses* customarily incidental to any of the *permitted uses*, subject to the provisions of 19.10.070.
2. See *Use Matrix* in Appendix A.

C. Special Uses

See *Use Matrix* in Appendix A. Please note *Planned Development* are special uses in the B-2 district. See Chapter 19.09.010 for regulations, standards, and application process.

D. Lot Requirements

1. Lot area requirements
 - a. In no case shall a *lot* or tract in the B-2 Neighborhood Commercial District be greater than ten (10) acres in size.
 - b. All *lots* or tracts shall be of adequate size to meet all the requirements of this Title. The requirements include, but are not limited to minimum *building setbacks*, provision of adequate parking, *lot coverage limits*, *bufferyards*, etc.
2. Maximum *lot coverage* (all *structures*) 30%
3. Minimum Green Space 30%

E. Setbacks, Size & Height Restrictions – Principal Building

Minimum <i>setback</i> from any <i>street</i>	25 feet
Minimum <i>rear yard setback</i>	25 feet
Minimum <i>side yard setback</i>	15 feet
Minimum <i>setback</i> from any residential <i>lot line</i>	25 feet
Minimum parking <i>setback</i> , all sides	10 feet
Maximum <i>building height</i>	25 feet, not to exceed two stories

**** See Definitions (Chapter 19-01) for terms in italics ****

F. *Setbacks & Height Restrictions - Detached Accessory Buildings*

All *setbacks* are the same as for *principal buildings*

Maximum *building height* 20 feet

19.06.040 B-3 General Commercial and Office District

A. Statement of Intent

The B-3 General Commercial and Office District provides for stand-alone *buildings* housing *businesses* that satisfy basic shopping and service needs, including those that occur frequently and must, therefore, be located close to residential areas. Compatibility with adjacent *uses* in site design and *use* is expected in this district. In addition to commercial *uses*, a range of *personal service establishments* and *business service uses*, office *uses*, institutional and public *uses*, parking facilities, public services and utilities are allowed.

B. Permitted Uses

1. *Accessory buildings* and *uses* customarily incidental to any of the *permitted uses*, subject to the provisions of 19.10.070.
2. See *Use Matrix* in Appendix A.

C. Special Uses

See *Use Matrix* in Appendix A. Please note *Planned Development* are special uses in the B-3 district. See Chapter 19.09.010 for regulations, standards, and application process.

D. Lot Requirements

1. Lot area requirements
 - a. In no case shall a *lot* or tract in the B-3 General Commercial and Office District be greater than ten (10) acres in size.
 - b. All *lots* or tracts shall be of adequate size to meet all the requirements of this Title. The requirements include, but are not limited to minimum *building setbacks*, provision of adequate parking, *lot coverage limits*, *bufferyards*, etc.
2. Maximum *lot coverage* (all *structures*) 35%
3. Minimum Green Space 25%

E. Setbacks, Size & Height Restrictions – Principal Building

Minimum <i>setback</i> from any <i>street</i>	25 feet or the <i>height</i> of the <i>building</i> , whichever is greater
Minimum <i>rear yard setback</i>	25 feet or the <i>height</i> of the <i>building</i> , whichever is greater
Minimum <i>side yard setback</i>	15 feet or the <i>height</i> of the <i>building</i> , whichever is greater
Minimum <i>setback</i> from any residential <i>lot line</i>	25 feet or the <i>height</i> of the <i>building</i> , whichever is greater
Minimum parking <i>setback</i> , all sides	10 feet
Maximum <i>building height</i>	50 feet, not to exceed four stories

F. Setbacks & Height Restrictions - Detached Accessory Buildings

All <i>setbacks</i> are the same as for <i>principal buildings</i>	
Maximum <i>building height</i>	20 feet

**** See Definitions (Chapter 19-01) for terms in italics ****

CHAPTER 19-07 INDUSTRIAL DISTRICTS

19.07.010 Industrial District General Requirements

A. Site Plan Review Required

In the Industrial Districts, site plan review by the Plan Commission and approval by the Board of Trustees is required for all *new development* projects and any renovations involving *alteration* in *building* size, changes to the exterior of any *building*, or changes to site elements approved during a prior site plan review. All site plan submittals and reviews shall be conducted in accordance with Chapter 19-12.

B. General Use Standards

1. No retail sales or services shall be permitted except as accessory to the *principal use*. Such accessory retail sales may take place indoors in an area not to exceed ten percent (10%) of the *gross floor area* of the *building* in which they are situated.
2. All operations, activities and storage shall be conducted or maintained wholly inside enclosed *buildings*, with the exception of automobile parking, *off-street loading* areas, sale of automobile fuel and lubricants, parking of trucks and service vehicles owned or operated by the *business*, where any of these activities are allowed in conjunction with an approved *use*.
3. No basic raw materials shall be converted into any of the following products: metals of any kind, glass, plastics, textiles, leather or paper.
4. No fuel except electricity, oil or gas shall be used.
5. No part of any *building* shall be used for residential purposes, with the exception that the *owner* and/or custodian of an approved private recreational facility operated for the temporary care and custody of children may reside on the premises.
6. All new *principal buildings*, *structures* and other *uses* shall be provided with public utilities and served by public *streets*.

C. Parking and Circulation

1. Bicycle and *off-street parking* shall be provided in accordance with the provisions of 19.11.010.
2. All premises shall be furnished with all-weather service walks, designed for pedestrian safety and convenience. Where external sidewalks or bicycle paths exist, connections to these shall be provided.
3. Vehicular access to individual parcels shall be limited and controlled. When appropriate, existing *driveways* on the subject property or adjoining properties shall be combined and traffic circulation coordinated. Curb cuts shall be kept to a minimum.

D. General Site Development Standards

1. Landscaping and *buffers* shall be provided in accordance with the provisions of 19.11.020.
2. Exterior lighting where provided shall be in accordance with the provisions of 19.11.040.
3. Provisions shall be made for storage of refuse in accordance with 19.11.050.

E. Front yard Setback Exceptions

In the Industrial Districts, the *front yard setback* requirements of this Title shall not apply to any *lots* where the average existing *setback* on *lots* located wholly or in part within 100 feet on each side of said *lot*, within the same block and zoning district, and fronting on the same side of the street as such *lot*, is less than the minimum *setback* required. In such cases, *setback* on such *lots*

**** See Definitions (Chapter 19-01) for terms in italics ****

may be less than the required *setback* but not less than the average of the existing *setbacks* on the aforementioned *lots* or within ten (10) feet, whichever is greater.

F. Industrial District Design Standards

1. See Appendix D, Design Guidelines, for requirements such as exterior building materials, colors, roof design, utility placement, and screening.

19.07.020 I-1 Light Industrial and Office District

A. Statement of Intent

The I-1 Light Industrial and Office District lands are primarily located along *major streets* and avenues. The I-1 District is intended to accommodate office, manufacturing and assembly *uses* that are relatively clean, quiet and free of hazardous or objectionable impacts such as noise, odor, smoke, dust or glare and that do not generate large amounts of industrial and truck traffic. It is intended that the I-1 District will provide for orderly development or *redevelopment* to meet the demand for such *uses*.

B. Permitted Uses

1. *Accessory buildings* and *uses* customarily incidental to any of the *permitted uses*, subject to the provisions of 19.10.070.
2. See *Use Matrix* in Appendix A.

C. Special Uses

See *Use Matrix* in Appendix A.

D. Lot Requirements

1. Minimum area
 - a. In no case shall a *lot* or tract in the I-1 Light Industrial and Office District be less than 40,000 square feet in size.
 - b. All *lots* or tracts shall be of adequate size to meet all the requirements of this Title. It may be necessary to exceed the minimum *lot* size to meet these requirements. The requirements include, but are not limited to minimum *building setbacks*, provision of adequate parking, *lot* coverage limits, *bufferyards*, etc.
2. Maximum *lot* coverage (all *structures*) 50%
3. Minimum Green Space 25%

E. Setbacks & Height Restrictions – Principal Building

1. Minimum *front yard setbacks*

<i>Major street</i>	50 feet
<i>Secondary street</i>	40 feet
<i>Collector or minor street</i>	35 feet
2. Minimum *rear yard setbacks*

Standard	17 feet
Across from residentially zoned areas, public parks or schools	50 feet
Abutting residentially zoned areas, public parks or schools	100 feet
3. Minimum *side yard setbacks*

Standard	17 feet
----------	---------

** See Definitions (Chapter 19-01) for terms in italics **

- | | |
|--|----------|
| <i>Street side</i> | 35 feet |
| Across from residentially zoned areas, public parks or schools | 50 feet |
| Abutting residentially zoned areas, public parks or schools | 100 feet |
4. Maximum *building height* 30 feet
- Utility enclosures may be located on the roof of a *building* provided they are *screened* on all sides from the line of sight and they do not exceed fifteen (15) feet in height or occupy more than forty percent (40%) of usable roof area.
- F. *Setbacks & Height Restrictions - Detached Accessory buildings*
Accessory buildings may not be located in *front yards* in the I-1 district.
- | | |
|--|---------|
| Minimum <i>side yard setback</i> | 17 feet |
| Minimum <i>setback on street side yard</i> | 20 feet |
| Minimum <i>rear yard setback</i> | 17 feet |
| Minimum parking <i>setback</i> , all sides | 10 feet |
| Maximum <i>building height</i> | 20 feet |

19.07.030 I-2 Limited Industrial District

- A. *Statement of Intent*
The I-2 Limited Industrial District is intended to accommodate office, manufacturing and industrial *uses* that are relatively clean, quiet and free of hazardous or objectionable impacts such as noise, odor, smoke, dust or glare and that generate moderate amounts of industrial and truck traffic. It is intended that the I-2 Limited Industrial District will provide for orderly development or *redevelopment* to meet the demand for such *uses*.
- B. *Permitted Uses*
1. *Accessory buildings* and *uses* customarily incidental to any of the *permitted uses*, subject to the provisions of 19.10.070.
 2. See *Use Matrix* in Appendix A.
- C. *Special Uses*
See *Use Matrix* in Appendix A.
- D. *Lot Requirements*
1. Minimum area
 - a. In no case shall a *lot* or tract in the I-2 Limited Industrial District be less than 20,000 square feet in size.
 - b. All *lots* or tracts shall be of adequate size to meet all the requirements of this Title. It may be necessary to exceed the minimum *lot size* to meet these requirements. The requirements include, but are not limited to minimum *building setbacks*, provision of adequate parking, *lot coverage limits*, *bufferyards*, etc.
 2. Maximum *lot coverage* (all *structures*) 50%
 3. Minimum Green Space 25%
- E. *Setbacks & Height Restrictions – Principal Building*
1. Minimum *front yard setbacks*
Major street 50 feet

**** See Definitions (Chapter 19-01) for terms in italics ****

- | | | |
|----------------------------------|---------|--|
| <i>Secondary street</i> | 40 feet | |
| <i>Collector or minor street</i> | 35 feet | |
2. Minimum *rear yard setbacks*

Standard	17 feet	
Across from residentially zoned areas, public parks or schools		50 feet
Abutting residentially zoned areas, public parks or schools		100 feet
 3. Minimum *side yard setbacks*

Standard	17 feet	
<i>Street side</i>	35 feet	
Across from residentially zoned areas, public parks or schools		50 feet
Abutting residentially zoned areas, public parks or schools		100 feet
 4. Maximum *building height* 40 feet
 Utility enclosures may be located on the roof of a *building* provided they are *screened* on all sides from the line of sight and they do not exceed fifteen (15) feet in height or occupy more than forty percent (40%) of usable roof area.
- F. *Setbacks & Height Restrictions - Detached Accessory Buildings*
Accessory buildings may not be located in *front yards* in the I-2 district.
- | | |
|--|---------|
| Minimum <i>side yard setback</i> | 17 feet |
| Minimum <i>setback on street side yard</i> | 20 feet |
| Minimum <i>rear yard setback</i> | 17 feet |
| Minimum parking <i>setback</i> , all sides | 10 feet |
| Maximum <i>building height</i> | 20 feet |

19.07.040 I-3 General Industrial District

- A. *Statement of Intent*
 The I-3 General Industrial District is intended to accommodate *uses* that are not otherwise provided for in other districts and which, because of their intensive, predominantly industrial nature, access needs, employment generation and automobile and truck traffic generation need to be isolated from other *uses*. It is intended that the I-3 General Industrial District will provide for orderly development and *redevelopment* to meet the demand for such *uses*.
- B. *Permitted Uses*
 1. *Accessory buildings* and *uses* customarily incidental to any of the *permitted uses*, subject to the provisions of 19.10.070.
 2. See *Use Matrix* in Appendix A.
- C. *Special Uses*
 See *Use Matrix* in Appendix A.
- D. *Lot Requirements*
 1. Minimum area
 - a. In no case shall a *lot* or tract in the I-3 General Industrial District be less than 40,000 square feet in size.
 - b. All *lots* or tracts shall be of adequate size to meet all the requirements of this Title. It may be necessary to exceed the minimum *lot* size to meet these requirements. The requirements include, but are not limited to minimum *building setbacks*, provision of adequate parking, *lot* coverage limits, *bufferyards*, etc.

**** See Definitions (Chapter 19-01) for terms in italics ****

- | | |
|---|-----|
| 2. Maximum <i>lot</i> coverage (all <i>structures</i>) | 50% |
| 3. Minimum Green Space | 25% |

E. Setbacks & Height Restrictions – Principal Building

- | | |
|--|----------|
| 1. Minimum <i>front yard setbacks</i> | |
| <i>Major street</i> | 50 feet |
| <i>Secondary street</i> | 40 feet |
| <i>Collector or minor street</i> | 35 feet |
| 2. Minimum <i>rear yard setbacks</i> | |
| Standard | 17 feet |
| Across from residentially zoned areas, public parks or schools | 50 feet |
| Abutting residentially zoned areas, public parks or schools | 100 feet |
| 3. Minimum <i>side yard setbacks</i> | |
| Standard | 17 feet |
| <i>Street side</i> | 35 feet |
| Across from residentially zoned areas, public parks or schools | 50 feet |
| Abutting residentially zoned areas, public parks or schools | 100 feet |
| 4. Maximum <i>building height</i> | 40 feet |
| Utility enclosures may be located on the roof of a <i>building</i> provided they are <i>screened</i> on all sides from the line of sight and they do not exceed fifteen (15) feet in height or occupy more than forty percent (40%) of usable roof area. | |

F. Setbacks & Height Restrictions - Detached Accessory Buildings

Accessory buildings may not be located in *front yards* in the I-3 district.

- | | |
|--|---------|
| Minimum <i>side yard setback</i> | 17 feet |
| Minimum <i>setback on street side yard</i> | 20 feet |
| Minimum <i>rear yard setback</i> | 17 feet |
| Minimum parking <i>setback</i> , all sides | 10 feet |
| Maximum <i>building height</i> | 20 feet |

19.07.050 I-4 Heavy Industrial District

A. Statement of Intent

The I-4 Heavy Industrial District is designed to provide areas for additional industrial *uses* not specifically enumerated in the I-1, I-2, and I-3 districts, yet consistent with the standards established for all districts by the general performance requirements. It allows for restricted *outdoor storage uses*, more intense land development and for locations adjacent to industry and removed from residential areas by other industrial areas.

B. Permitted Uses

1. *Accessory buildings* and *uses* customarily incidental to any of the *permitted uses*, subject to the provisions of 19.10.070.
2. See *Use Matrix* in Appendix A.

C. Special Uses

See *Use Matrix* in Appendix A.

D. Lot Requirements

1. Minimum area

**** See Definitions (Chapter 19-01) for terms in italics ****

- a. In no case shall a *lot* or tract in the I-4 General Industrial District be less than five (5) acres in size.
 - b. All *lots* or tracts shall be of adequate size to meet all the requirements of this Title. It may be necessary to exceed the minimum *lot* size to meet these requirements. The requirements include, but are not limited to minimum *building setbacks*, provision of adequate parking, *lot* coverage limits, *bufferyards*, etc.
2. Maximum *lot* coverage (all *structures*) 50%
 3. Minimum Green Space 25%

E. *Setbacks & Height Restrictions – Principal Building*

1. Minimum *front yard setbacks* 75 feet
2. Minimum *rear yard setbacks* 17 feet
3. Minimum *side yard setbacks* 17 feet
4. Maximum *building height* 40 feet

Utility enclosures may be located on the roof of a *building* provided they are *screened* on all sides from the line of sight and they do not exceed fifteen (15) feet in height or occupy more than forty percent (40%) of usable roof area.

F. *Setbacks & Height Restrictions - Detached Accessory Buildings*

Accessory buildings may not be located in *front yards* in the I-4 district.

- | | |
|--|---------|
| Minimum <i>side yard setback</i> | 20 feet |
| Minimum <i>setback on street side yard</i> | 20 feet |
| Minimum <i>rear yard setback</i> | 20 feet |
| Minimum parking <i>setback</i> , all sides | 10 feet |
| Maximum <i>building height</i> | 20 feet |

CHAPTER 19-08 AIRPORT DISTRICT AND RUNWAY PROTECTION ZONES

19.08.010 AP Airport District

A. Intent

The A-P Airport District is established for areas, whether under public or private control or ownership, which are used or intended for the *landings* and taking-off of aircraft, and appurtenant areas which are used or intended for use as *airport* buildings or other *airport* facilities or rights-of-way, including without limitation *runways*, taxiways, hangars and aircraft storage and tie-down areas.

B. Site Plan Review Required

In the AP District, site plan review by the Plan Commission and approval by the Board of Trustees is required for all new development projects and any renovations involving alteration in building size, changes to the exterior of any building, or changes to site elements approved during a prior site plan review. All site plan submittals and reviews shall be conducted in accordance with Chapter 19-12.

C. General Use Standards

1. No part of any building shall be used for residential purposes.
2. All outside storage, except outside storage of aircraft and vehicles, shall be screened and fenced with stockade or wire fence with adequate screen plantings not to exceed eight feet in height, and materials so stored shall not be stored above the maximum height of the fence, except where the finished products may exceed such height.
3. No retail sales or services shall be permitted except as accessory to the principal use or as expressly provided for under the district use standards. Sale of used parts from or in connection with scavenger operations shall be prohibited.
4. All new principal buildings, structures, and other uses shall be provided with public utilities and served by public streets.

D. Permitted Uses

1. The following are permitted as principal uses in the AP District:
 - a. *Airport*
 - b. Navigational facilities and equipment
 - c. Air traffic control facilities and operations
 - d. Service and maintenance equipment and operations
 - e. Helicopter *landing* facilities
 - f. Passenger terminals
 - g. Public safety facilities
2. The following are permitted as *accessory uses* in the AP District

**** See Definitions (Chapter 19-01) for terms in italics ****

- a. Sale of aircraft, aircraft parts and components, aircraft navigational, radio and other electronic equipment, and pilot accessories and equipment
- b. Sale of aircraft oil and fuel
- c. Aircraft maintenance and repair, including servicing and repair of navigational, radio and other electronic equipment
- d. Installation of aircraft parts and components, including installation of navigational, radio, and other electronic equipment
- e. Storage of aircraft and of aircraft parts and components, including navigational, radio and other electronic equipment and components
- f. Leasing and chartering of aircraft and of related equipment
- g. Operation of flight training schools and aircraft operation, servicing and maintenance training
- h. Motor vehicle parking structures and lots
- i. Office, general
- j. Automobile rental facilities with fewer than fifteen (15) cars

E. Special Uses

The following are permitted as special uses in the AP District

- 1. Restaurant, sit down, fast food, carry out
- 2. Automobile rental facilities with fifteen (15) or more cars
- 3. Ground transportation service, including cab and bus storage and maintenance facilities, provided that all bulk oil, gasoline and waste shall be stored in underground tanks, and provided further that all maintenance, repair work and painting shall be performed in an enclosed building
- 4. Hotels
- 5. *Nightclubs*
- 6. *Entertainment establishments*

F. General Site Development Standards

- 1. Off-street parking shall be provided in accordance with the provisions of Section 19.11.010.
- 2. Landscaping and *buffers* shall be provided in accordance with the provisions of Section 19.11.020.
- 3. Exterior lighting where provided shall be in accordance with the provisions of Section 19.11.040.
- 4. Provisions shall be made for storage of refuse in accordance with Section 19.11.050.
- 5. Building bulk regulations, such as setbacks, height restrictions, and lot requirements, shall be based on the regulations of the I-2 Limited Industrial District (Section 19.07.030). The required building and parking setbacks along a public right-of-way may be reduced by up to 25% without requiring review as a variation from this Title. Due to the unique configuration of the parcels in the Airport Districts, exceptions to the remaining regulations may be reviewed and approved in conjunction with the site plan and appearance review process. All improvements within the A-P District shall be subject to consultation with the FAA through the Airport Manager. The height of all improvements shall be restricted to not

** See Definitions (Chapter 19-01) for terms in italics**

penetrate FAA Part 77 imaginary surfaces as depicted on the latest approved Airport Layout Plan or as determined by FAA aeronautical study.

G. AP District Design Standards

1. See Appendix D, Design Guidelines, for requirements such as exterior building materials, colors, roof design, utility placement, and screening.

2. Utilities and Communication Devices

- a. All exterior on-site utilities, and communication devices, including but not limited to drainage systems, sewers, gas lines, water lines, and electrical, telephone, and communication wires and equipment, shall be installed and maintained underground. Exceptions shall be made for satellite dishes, *antennas*, or radar devices necessary for *airport* operation.
- b. On-site underground utilities and communication devices shall be designed, located, and installed to minimize disruption of use of the property, including safe traffic patterns, and landscaping, during maintenance.

19.08.020 RUNWAY PROTECTION ZONES AND TRANSITION AREAS

A. Intent

The purpose of the Runway Protection Zones (RPZs) and Transition Areas is to preserve the unique assets that the *airport* offers to the Village and to promote a more comprehensive and consistent land use pattern in the areas adjacent to or in the immediate vicinity of the *airport*. With the RPZ and Transition Area, certain requirements are established which apply over and above those set forth under the established zoning district for any affected building, structure, or use. These requirements are intended to regulate the development, growth, or construction of objects that may become hazards to air traffic utilizing the Chicago Executive *Airport* and that could endanger the lives and property of users of the *airport* and of occupants of land in its vicinity. By enacting zoning standards, safety, and *airport* externalities can be monitored and controlled.

B. Runway Protection Zone and Transition Area Defined

The following areas, or so much thereof as are within the corporate boundaries of the village, hereby described with reference to the *runways* at the Chicago Executive *Airport*, are designated as the RPZ and Transition Area:

1. Runway Protection Zone

The dimensions of the RPZ depend on the type of runway. The following RPZ areas are depicted on the Zoning Map,

a. RPZ for a Precision Instrument Runway

With respect to *runways* designated as precision instrument *runways*, the area 500 feet on either side of the centerline of the *runway* in width and extending 200 feet from the end of the *runway* in both directions in length; plus that area lying directly under the approach surface, as defined and established in Section 19A.02.034 of Title 19A of the Wheeling Municipal Code, from 200 feet from the end of the *runway* to 1,700 feet out from the end of the *runway*; and

b. RPZ for a *Visual Runway* Operational

With respect to *runways* designated as *visual runways*, the area 250 feet on either side of the centerline of the *runway* in width and extending 200 feet from the end of the *runway* in length; plus that area lying directly under the approach surface, as defined and established in Section 19A.02.034 of Title 19A of the Wheeling Municipal Code, from 200 feet outward from the end of the *runway* to 1,220 feet from the end of the *runway*.

2. Transition Area

The transitional surface, as defined in Section 19A.02.035 of Title 19A of the Wheeling Municipal Code, is a surface extending outward and upward at right or ninety-degree angles to the runway centerline and the runway centerline extended at a slope of seven feet

**** See Definitions (Chapter 19-01) for terms in italics ****

horizontally for each foot vertically beginning at the sides of and at the same elevation of the primary surface and the approach surfaces extending to a height of one hundred fifty feet above the airport elevation. Transitional surfaces for those portions of the precision approach surface which project through and beyond the limits of the conical surface, extend a distance of five thousand feet measured horizontally from the edge of the approach surface and at right or ninety-degree angles to the runway centerline.

C. Construction in a Runway Protection Zone or Transition Area

1. Within an RPZ or Transition Area, no building or structure shall be constructed, nor any improvement added to an existing building or structure, until such building, structure or improvement is determined by the Federal Aviation Administration (FAA) not to be a hazard to aerial navigation.
2. No building permit or other license or permit shall be issued for any construction subject to this section until a determination of hazard to air navigation, or the equivalent of such determination, has been issued by the Federal Aviation Administration covering the proposed construction. Any permits issued for such construction shall be conditioned upon the construction remaining within the height limits of the plans submitted to the FAA, and upon compliance with any lighting or marking requirements specified by the FAA.

D. Limitations of Zoning Map Relative to the Airport Imaginary Surfaces

The village planner shall designate the RPZ and Transition areas on the zoning map of the village, and shall cause to be prepared a detailed map showing the areas of the village included in such areas. It must be noted that the Airport Imaginary Surfaces defined in Title 19A, Airport Zoning, of the Wheeling Municipal Code, are defined by an extent well beyond the perimeter of the RPZ and Transition Area at ground level. Due consideration shall be given to the review of all development proposals within the Village of Wheeling relative to the Airport Imaginary Surfaces. Areas depicted on the Zoning Map as outside of the RPZ and Transition Area may still require review by the FAA with respect to the other Airport Imaginary Surfaces

CHAPTER 19-09 PLANNED UNIT DEVELOPMENTS

19.09.010 *Planned Unit Developments*

A. Statement of Intent

The intent of the *Planned Unit Development* (“PUD”) approval process is to promote the maximum benefit from coordinated area site planning, by providing opportunities to maximize the economical and efficient *use* of land in ways that may not be possible under conventional zoning regulations. It is intended that Planned Unit Developments established in the *Village* provide a harmonious variety of uses and building types and a high level of amenities, in a manner that is consistent with plans for the area as set forth in the Village of Wheeling’s *Comprehensive Plan*. The procedure described herein is designed to give the developer initial plan approval before completing all detailed design work while providing the *Village* with assurances that the project will retain the character envisioned at the time of initial approval.

B. Planned Unit Developments vs. Planned Developments

A *Planned Unit Development* is a development which has received approval through the PUD approval process described within this Chapter. The Village first adopted a PUD approval process on March 20, 1998 (Ordinance 3284). Prior to the adoption of a PUD approval process, many large multi-family residential developments were constructed in the Village. These developments will be referred to as *planned developments* in this Title.

C. General Provisions

1. *Zoning Map* Designators

All planned developments and Planned Unit Developments shall be shown on the *zoning map* with an asterisk (*) and a number that corresponds to the table in Appendix C (Planned Unit Developments and Other Developments with Special Legislation).

2. Application of Title 17: Wheeling Planning, Subdivisions and Developments Ordinance

To the extent applicable, any PUD shall be subject to the procedures and regulations of the Wheeling Subdivision and Development Ordinance. However, these design standards and required improvements may be modified or waived upon recommendation by the Plan Commission and approval by the Board of Trustees where strict compliance would result in failing to achieve the design flexibility necessary to achieve the objectives of the PUD.

3. Locations Permitted

A PUD may be requested in the zoning districts listed in Appendix A (Use Table). If “Planned Unit Development” is not specifically listed as a permitted or special use in a particular district, a petitioner must also request a rezoning of the property in conjunction with the request for PUD approval.

D. Types of Applications

1. Concept Review and Workshop Discussion

This preliminary consultation with *Village* staff and the Board of Trustees is mandatory prior to application for a Planned Unit Development. See 19.09.010 (E)(2). Submittal requirements are detailed under 19.09.010(E)(3). There is no formal approval associated with this type of application, though a new application must be submitted and reviewed if the concept is to be altered significantly prior to submittal of a preliminary or final PUD application.

2. Preliminary Planned Unit Development Approval

This step provides the Village with an opportunity to review a well-developed initial plan for the entire site before granting final approval for any proposed Planned Unit Development,

**** See Definitions (Chapter 19-01) for terms in italics ****

while at the same time providing the *applicant* with an opportunity to receive formal preliminary approval before developing detailed plans for the site. Submittal requirements for preliminary approval are detailed under 19.09.010(E)(4). Requires a public hearing. No significant changes to the PUD plan are expected following Preliminary PUD approval.

3. Final Planned Unit Development Approval

Final Planned Unit Development approval is required prior to *construction*. Submittal requirements are detailed under 19.09.010(E)(5). Requires a public hearing in the following circumstances:

- a. If more than six months have elapsed between the Preliminary PUD ordinance approval and the submittal of the Final PUD application.
- b. If the Final PUD plan is not in substantial conformance with the preliminary PUD plans.

4. Multi-phase Planned Unit Developments

A multi-phase PUD must first receive Preliminary PUD Approval. Each phase may be submitted for Final PUD Approval separately.

E. Application Requirements

1. Submittal Timeline

A complete preliminary or final Planned Unit Development submittal package shall be delivered to the Community Development Department for review a minimum of thirty (30) days prior to the date at which the application is scheduled for any Plan Commission consideration. Seventeen (17) sets of collated plans, 11 inches by 17 inches in size, two (2) oversize sets of collated plans, and seventeen (17) copies of the written narrative are required.

2. Public Inspection

All preliminary and final PUD plans and related information shall be available for public inspection prior to any public meeting or hearing on the proposed project. All concept plans shall be available for public inspection following the initial Village Board review.

3. Application Requirements: Concept Review and Workshop Discussion

- a. The *applicant* is encouraged to provide as much information as is available at this stage of the process, although the submittal standards (below) are minimal. The staff consultation and workshop review are held to discuss the proposed request and review applicable local regulations, policies and land *use* implications. It is to the *applicant's* advantage to provide any information that may assist in that discussion.
- b. The following list constitutes the minimal submittal requirements prior to PUD Concept Review:
 - i. A "PUD Concept Plan". This written plan shall provide a description of the intended development concept, and identify any concerns related to the ability of the project to meet standards established under 19.09.010(G).
 - ii. A vicinity map showing the boundaries of the tract to be included in the PUD, the territory within 500 feet and proposed vehicular and pedestrian access points.
 - iii. A statistical sheet indicating the proposed number and type of *buildings*.
 - iv. A site plan showing the general location of proposed *structures*, *open spaces*, parking and circulation routes.
 - v. Pictures of the site and surrounding context.
 - vi. Other items as may be requested by *Village* Staff for submittal prior to the Board of Trustees' workshop session.

4. Application Requirements for Preliminary Planned Unit Development Approval

** See Definitions (Chapter 19-01) for terms in italics **

The following items shall comprise a complete submittal package for consideration of Preliminary Planned Unit Development Approval. Village Staff will create a checklist indicating receipt of the following documents. The Staff checklist and a copy of each of the following documents will be forwarded for the review of the Plan Commission and the Village Board. An adequate number of copies of each document must be provided at each step of the review process. A public meeting to review the plans will not be scheduled unless and until each of the documents has been submitted.

- a. A "Preliminary PUD Plan". This written plan shall provide a description of the intended development concept, and address how each of the standards outlined under 19.09.010(G) are to be met. The statement shall also make reference to any maps, site plans or other exhibits included in the submittal.
- b. A statistical sheet indicating the following in square feet, acres and percentage of the total tract, where applicable:
 - i. Gross land area.
 - ii. Maximum amount of land covered by *principal buildings* and maximum amount of land covered by *accessory buildings*.
 - iii. Maximum amount of land devoted to parking, drives and parking *structures*.
 - iv. Minimum amount of land devoted to landscaped *open space*.
 - v. Maximum proposed *dwelling unit density*, if residential, and/or total square footage devoted to non-residential *uses*.
 - vi. Proposed number of *buildings*.
 - vii. Maximum number of *dwelling units* per *building*.
 - viii. *Bedrooms* per unit.
 - ix. Number of motor vehicle and bicycle parking spaces provided, whether surface or in *structures*, and ratio per unit if residential, or thousand square feet of *building* area if non-residential.
- c. A vicinity map showing the boundaries of the tract included in the proposed PUD, the territory within 500 feet of the tract, its proposed access, adjacent *buildings* and significant community facilities in the surrounding area.
- d. A plat of survey showing the exterior boundaries, including a legal description of the area of the proposed PUD plan tract.
- e. A scaled plan showing existing conditions, including *buildings*, trees (five (5) inch *caliper* and greater) labeled by species, shrub groupings, wetlands, areas of severe topographic changes and other site features with an indication of whether they are to be retained, removed or altered.
- f. A site plan showing the general location of proposed *structures* and a description of their intended *use* and approximate height, *open spaces*, *setback* dimensions and *buffers* adjacent to the boundaries of the tract and from existing or proposed public rights-of-way, pedestrian and vehicular circulation systems, parking areas and loading facilities.
- g. A general narrative description of sign standards, including number, type and size of signs, as well as their proposed locations.
- h. A preliminary landscaping plan including all *buffers* and *parking lots*.
- i. Pictures of the site and surrounding context. These pictures may be submitted as photographs, scanned images or in a digital format, but shall not exceed 8.5 by 11 inches.

- j. Any additional materials that may be required by Staff related to the requirements of Title 17, Subdivisions and Developments, including but not limited to documentation of environmental conditions, a preliminary plat of subdivision, and a traffic study.
 - k. A preliminary list of the variations from the underlying zoning that would likely be required to construct the PUD as proposed.
 - l. Preliminary elevations for each building (or representative elevations for projects with multiple buildings of the same design, height, and proposed use), including labels for the proposed building materials.
 - m. Preliminary engineering plans including the following: general location and dimensions of proposed stormwater management facilities, general location of proposed utilities, and engineering calculations to support the preliminary plans.
 - n. Samples of the primary proposed building materials (brick, siding, stone, etc.).
5. Application Requirements for Final Planned Unit Development Approval
- The following items shall comprise a complete submittal package for consideration of a Final PUD plan. Village Staff will create a checklist indicating receipt of the following documents. The Staff checklist and a copy of each of the following documents will be forwarded for the review of the Plan Commission and the Village Board. An adequate number of copies of each document must be provided at each step of the review process. A public meeting to review the plans will not be scheduled unless and until each of the documents has been submitted.
- a. A "Final PUD Plan". This written plan shall provide a full description of the intended overall development plan, and address how each of the standards outlined under 19.09.010(G) are to be met. The statement shall also make reference to any maps, site plans or other exhibits included in the submittal.
 - b. A statistical sheet indicating the following in square feet, acres and percentage of the total tract, where applicable:
 - i. Gross land area.
 - ii. Land covered by *principal buildings*.
 - iii. Land covered by *accessory buildings*.
 - iv. Land devoted to parking, drives and parking *structures*.
 - v. Land devoted to landscaped *open space*.
 - vi. Proposed *dwelling unit density*, if residential, and/or total square footage devoted to non-residential *uses*.
 - vii. Proposed number of *buildings*.
 - viii. *Dwelling units* per *building*.
 - ix. *Bedrooms* per unit.
 - x. Parking spaces provided for motor vehicles and bicycles, whether surface or in *structures*, and ratio per unit if residential, or per thousand square feet of *building* area if non-residential.
 - c. A vicinity map showing the boundaries of the tract originally included in the Preliminary PUD Plan, the territory within 1,000 feet of the tract, its proposed access, adjacent *buildings* and significant community facilities in the surrounding area.
 - d. A plat of survey showing the exterior boundaries, including a legal description of the area of the proposed PUD plan tract.

** See Definitions (Chapter 19-01) for terms in italics **

- e. A scaled plan showing existing conditions, including *buildings*, trees (five (5) inch *caliper* and greater), shrub groupings, wetlands, areas of severe topographic changes and other site features with an indication of whether they are to be retained, removed or altered.
- f. A site plan showing the location of proposed *structures* and a description of their intended *use* and height, all *open spaces*, *setback* dimensions, *buffers*, pedestrian and vehicular circulation systems, *parking lots*, *structures* and garages (with the number of spaces in each), loading facilities, and refuse collection facilities.
- g. A site grading plan indicating existing and proposed topography at two (2) foot contour intervals showing how positive runoff of surface waters will be achieved and the means by which ultimate disposal of the development's surface waters will be accomplished. Prior to scheduling a public meeting to review the Final PUD plan, the Village Engineering Department must affirm in writing that the proposed plan is realistic and that no significant modifications to the site plan or surface water management plan will be required. The Engineering Department will prepare a checklist that indicates submittal and review of all required documentation, including but not limited to the engineering plans, supporting calculations, and proof of submittal to outside agencies.
- h. A utility plan showing the proposed location of storm and sanitary sewers, water mains and laterals, parking and *roadway* storm inlets and *elevations*. Prior to scheduling a public meeting to review the Final PUD plan, the Village Engineering Department must affirm in writing that the proposed plan is realistic and that no significant modifications to the site plan or utility plan will be required. The Engineering Department will prepare a checklist that indicates submittal and review of all required documentation, including but not limited to the engineering plans, supporting calculations, and proof of submittal to outside agencies.
- i. A landscape plan showing the location, number, size and type of all landscape and *screening* elements including parkway trees. Plant material shall be of a quality consistent with the standards of the American Association of Nurserymen (ANSI 260.1) and shall be suitable for the local climate and planting conditions.
- j. *Elevations* of each side of the exterior of any new *building* or *structure* being proposed, including materials, building-mounted lights, downspouts, colors and window specifications. If the project is a rehabilitation of or an addition to an existing *building*, both existing and proposed *elevations* shall be provided if any exterior modification is proposed. Mechanical units, utility connections, and any associated screening must be clearly indicated [see Section 19.09.010(G)1(j) for requirements].
- k. Plans showing the location, size and type of any existing and proposed signs. Detailed information about all proposed freestanding and wall signs, including the materials, proposed message and exact dimensions of each sign face, shall be provided. All proposed signage shall be subject to the provisions of Title 21.
- l. Pictures of the site and surrounding context. These pictures may be submitted as photographs, printed scanned images or in a digital format, but shall not exceed 8.5 inches by 11 inches.
- m. A list of the variations from the underlying zoning that would be required to construct the PUD as proposed.

** See Definitions (Chapter 19-01) for terms in italics **

- n. A site lighting plan including a photometric plan with the location, fixture type, and fixture height for all site and building-mounted lighting. Fixture cut sheets shall be supplied.
- o. Samples of all actual building materials to be used on the proposed buildings (brick, siding, metal, stone, accent materials, etc.). Any future modification of the materials due to lack of availability will be subject to the review of the Plan Commission.
- p. A preliminary plat of subdivision.

F. PUD Application Review, Approval, and Post-Approval Modifications

1. Approval Authority

The Plan Commission reviews applications for preliminary and final PUD approval, holds a public hearing, and makes a recommendation to the *Village* Board which has the authority to approve or deny the proposed PUD and the plans upon which it is based.

2. Mandatory Preliminary Consultation: Concept Review and Workshop Discussion

- a. Development Review Committee. Prior to review by the Village Board, applicants shall discuss the concept development plan with a staff committee with representatives from the Village Manager's office, Planning Division, Building Division, Engineering Division, Public Works Department, Fire Department, and Police Department. The Development Review Committee may require additional information, such as rough calculations for detention areas, prior to scheduling a review by the Village Board. The Committee will provide a written recommendation to the Board of Trustees.
- b. Village Board Workshop. The Village Board will hold a workshop discussion of the concept plan and consider the written recommendation of the Development Review Committee. Any decision of the Board of Trustees during a workshop discussion is considered non-binding. The Board may forward the concept plan to the Plan Commission, request modifications to the concept plan, or request that a new concept plan be prepared.
- c. Plan Commission Workshop. Following a workshop discussion of the concept plan with the Board of Trustees, the applicant shall attend a workshop discussion with the Plan Commission. The Plan Commission shall review the project and consider the recommendation of the Development Review Committee and the review by the Board of Trustees. If the concept plan is to be altered significantly prior to formal submittal of a Preliminary PUD Plan, the review process described in this section shall be repeated.

3. Phased PUD Approval

Following the mandatory preliminary consultation, a PUD may be approved as a multi-phase project as follows:

- a. If actual development of the project is to proceed in phases over an extended period of time, the *applicant* shall first submit a Preliminary PUD plan covering the entire tract. Separate Final PUD plans shall then be submitted for each phase of development and shall follow the development concept established by the Preliminary PUD.

4. Plan Commission Action

a. Public Hearing and Plan Commission Review

The Plan Commission shall hold a public hearing, if required as noted in Section 19.09.010(D), and review the application and supporting documents required for a Preliminary or Final PUD (Section 19.09.010(E)4 or 19.09.010(E)5, respectively) within thirty (30) days of receipt of the application and the submission of all required documents or as the schedule permits unless an extension is requested by the *applicant*. The Plan Commission shall base its recommendation upon:

** See Definitions (Chapter 19-01) for terms in italics **

- i. Consistency with the *Comprehensive Plan*.
 - ii. Consistency with the purposes of this Chapter.
 - iii. Consistency with the recommendations of the Board of Trustees from the Concept Review and Workshop Discussion.
 - iv. Conformance with the standards set forth under Title 19.09.010(G).
 - v. Findings and recommendations of *Village* staff.
 - vi. All verbal and written comments received by the Plan Commission.
 - b. Plan Commission Report

After making a decision, the Plan Commission shall forward its recommendation to the Board of Trustees.
5. Board of Trustees Action
- The Board of Trustees shall act on the application for a preliminary or final PUD within ninety (90) days of receiving the report from the Plan Commission unless the *applicant* agrees to a time extension. Failure of the Board of Trustees to act within the ninety (90) day period or the agreed-upon extended time shall constitute denial of the application. Once the Board of Trustees passes the ordinance to approve the Final PUD, the standards and provisions as established in the approved plans shall constitute the zoning regulations for that PUD.
6. Commencement of Project
- After the Board of Trustees has approved the Final PUD plans, *construction* of private and public facilities may commence in accordance with the following:
- a. Approvals, Fees and Infrastructure Required

Building plans must be submitted to the *Building* Inspector for review and approval prior to issuance of any *building* permits. No *building* permit shall be issued until all applicable fees and assessments have been paid and either all infrastructure improvements have been completed and approved or a written *developer's agreement* has been approved. For staged development, such *developer's agreements* may provide for the *construction* of improvements and the *use* of common areas outside of the subject stage.
 - b. Expiration of Approval

After the Board of Trustees has approved the Final PUD plans, the project shall be commenced within one year of the date of the approval ordinance unless the time is extended by ordinance by the Board of Trustees. In the event that *construction* has not commenced within one year and been actively pursued, the approval of the Board of Trustees shall be deemed to be automatically revoked.
7. Changes or Revisions to an Approved *Planned Unit Development*
- a. Submission

All proposed changes, revisions, and additions to any aspect of an approved Planned Unit Development shall be submitted to the Community Development Department for review. Please see Appendix C for a list of all approved PUDs. Minor *construction* changes that do not alter the footprint or interior of the *building* may be approved by *Village* staff provided that the Plan Commission and Board of Trustees are informed of the change. All other changes shall be forwarded to the Plan Commission who shall determine if the change, revision, or addition is minor or substantial.
 - b. Minor Changes

The Plan Commission may recommend that the Board of Trustees approve minor changes without a public hearing provided that the Final PUD plan remains consistent with the spirit and intent of the Preliminary PUD or a previously approved Final PUD and that the modification will not:

** See Definitions (Chapter 19-01) for terms in italics**

- i. Change the general character of the planned development.
- ii. Cause a substantial relocation of principal or *accessory structures*.
- iii. Cause a substantial relocation or reduction of parking, loading or recreation areas.
- iv. Cause a substantial relocation of traffic facilities.
- v. Increase the land coverage of *buildings* and parking areas.
- vi. Increase the gross *floor area* of *buildings* or the number of *dwelling units*.
- vii. Reduce the amount of approved *open space*, landscaping or *screening*.

c. Substantial Changes

If the requested change is determined by the Plan Commission to be substantial, a public hearing shall be held by the Plan Commission to review and pass its findings to the Board of Trustees who has the authority to approve or deny the request.

8. Changes or Revisions to a *Planned Development*

a. Submission

All proposed changes, revisions, and additions to any aspect of a *planned development* shall be submitted to the Community Development Department for review. Please see Appendix C for a list of all approved Planned Developments. Minor *construction* changes that do not alter the footprint or interior of the *building* may be approved by *Village* staff provided that the Plan Commission and Board of Trustees are informed of the change. All other changes shall be forwarded to the Plan Commission who shall determine if the change, revision, or addition is minor or substantial.

b. Minor Changes

The Plan Commission may recommend that the Board of Trustees approve minor changes through the Site Plan Approval Process (Chapter 19-12) without a public hearing provided that the development remains consistent with the spirit and intent of the original approved plans and that the modification will not:

- i. Change the general character of the planned development.
- ii. Cause a substantial relocation of principal or *accessory structures*.
- iii. Cause a substantial relocation or reduction of parking, loading or recreation areas.
- iv. Cause a substantial relocation of traffic facilities.
- v. Increase the land coverage of *buildings* and parking areas.
- vi. Increase the gross *floor area* of *buildings* or the number of *dwelling units*.
- vii. Reduce the amount of approved *open space*, landscaping or *screening*.

c. Substantial Changes

If the requested change is determined by the Plan Commission to be substantial, the project shall follow the PUD approval process described within this Chapter.

G. Standards and Conditions for Use, Design and Maintenance

1. Use and Design Standards for all Planned Unit Developments

Every PUD shall meet the following standards:

a. *Uses*

Permitted, Special and *Accessory Uses* for each PUD shall be specified in the Preliminary PUD application. Residential use may be proposed for any Planned Unit Development. Non-residential *uses* shall be consistent with the uses permitted in the underlying zoning district (see Appendix A, Use Table). With the exception of Planned Unit Developments in an R-4 District, a mix of different *uses* within a PUD may be permitted if the Plan Commission and the Board of Trustees determine that the mix of *uses* is compatible and necessary to achieve the objectives of the PUD. Any additions or exceptions to the

** See Definitions (Chapter 19-01) for terms in italics **

specified *uses* in those districts shall be specified at the time of Preliminary PUD review and approval.

- b. Number of *Buildings* on a *Lot*
The PUD may allow more than one *building* on a *lot*.
- c. *Density*
The PUD may permit the grouping of *dwelling units* in one or more locations within the total site, however residential *density* for the site as a whole shall be consistent with that specified in the *Village's Comprehensive Plan*.
- d. Minimum Area
The minimum *lot area* for a PUD is one (1) acre, which may consist of one or more contiguous parcels.
- e. Space Between *Structures*
Spaces between *structures* shall not be less than required by the *building* code.
- f. *Setbacks*
The dimension of *setbacks* and limitations on their *use* in each PUD project shall be based on the regulations for the underlying zoning district. Variations to zoning regulations are often required to facilitate the construction of a planned development and will be established during the development review and approval process. When establishing the appropriate setbacks, explicit consideration will be given to existing conditions and proposed *building heights*. The Plan Commission may recommend and the *Village* Board may require that *setback* areas be landscaped and used only for recreation, utility rights-of-way, sidewalks, ponds, water detention basins and drainage channels. It may also be specified that *setback* areas are not to be used for parking or *driveways* except as they are used to provide direct access to the development.
- g. Circulation, Parking and Loading
Adequate pedestrian and vehicular access shall be provided into and throughout the development. Parking and loading facilities shall be located near the *uses* they support and shall be adequately *screened* and landscaped in a manner which meets or exceeds the requirements of this Title. Private *streets* are not permitted.
- h. Landscaping
All required vegetation shall be of a quality consistent with the standards of the American Association of Nurserymen (ANSI 260.1). All required vegetation shall be maintained on an ongoing basis, including seasonal tree and plant replacement.
- i. Lighting
See Section 19.11.040 for lighting regulations.
- j. Utilities and Mechanicals
 - i. Mechanical, electrical, communications and service equipment, including meters, shall be located inside the *building* whenever possible. Any roof- or wall-mounted equipment, including piping, shall be *screened* on all sides from public view by parapets, walls, or other approved means. Utility meters, gas regulator valves and the like shall not be placed on the *street* side of any *building*.
 - ii. All ground level mechanical, electrical and transformers, communications and service equipment shall be *screened* with either plantings or a durable non-combustible enclosure which are unified and harmonious with the overall architectural theme of the *building* while meeting utility provider standards for location and maintenance.

** See Definitions (Chapter 19-01) for terms in italics **

- iii. All utility lines shall be installed underground. Transformers and substations shall be installed within *buildings* or otherwise *screened* from view.
- k. Signs

All signs in the PUD shall be included as part of the PUD application and are subject to the provisions of Title 21.
- l. Establishment of an Owners' Association

Should a PUD include multi-family residential property where property will be held in common ownership, the petitioner shall indicate the manner in which a single owners' association will be established. This shall include, but is not limited to, the proposed Declaration of Covenants and Restrictions, Articles of Incorporation, and association by-laws.
- 2. Use and Design Standards for PUDs and Planned Developments established prior to the Effective Date of this Title.

All PUDs and other planned developments established prior to the effective date of this Title are subject to the standards established for the project at the time of their adoption. Any redevelopment or expansion of an existing Planned Unit Development will require review as described in Section 19.09.010(F)(7). Any redevelopment or expansion of an existing planned development will require review as described in Section 19.09.010(F)(8).
- 3. Conditions and Restrictions

PUDs shall be subject to the following conditions and restrictions:

 - a. The Plan Commission may recommend and the Board of Trustees may adopt, by ordinance, conditions and restrictions for PUDs that specify *permitted uses*, set bulk regulations and *density* standards for *lot* coverage and *dwelling unit* size and distribution and *yard setbacks*.
 - b. Conditions and restrictions adopted to govern any PUD may include nonstandard or non-uniform requirements, regulations, and provisions recommended by the Plan Commission and approved by the Board of Trustees. Such nonstandard requirements, regulations and provisions shall be designed to insure proper development and appropriate operation and maintenance of specific sites.
 - c. The developer(s) shall enter into a written *developer's agreement* with the *Village* to comply with all applicable laws and regulations, including any conditions and restrictions adopted to regulate a specific PUD, and to assure the *construction* of all facilities and infrastructure associated with the project.
- 4. Maintenance Standards

All projects are subject to the following maintenance requirements:

 - a. Failure to Perform Maintenance

Should the *owner(s)* of a PUD fail to adequately perform maintenance functions such as snow and ice removal, weed cutting, or trash disposal, the *Village* shall have the right, but not the duty, to perform such functions or to contract for their accomplishment at the property *owner's* expense.
 - b. Failure to Prevent Nuisance

Should the *owner(s)* of a PUD fail to properly operate or maintain the *business* or premises to the extent that a nuisance is caused to occupants or neighbors, or constitutes a nuisance to nearby properties, the Board of Trustees may refuse to approve subsequent stages of development until such time as they determine that the situation and/or the method of operation has been corrected.

CHAPTER 19-10 USE REGULATIONS

19.10.010 Reading the Use Table

The *Village of Wheeling Use Table* (see Appendix A, "Use Table", page 143) lists the *uses* allowed within each of the zoning districts in the *Village*. Each zoning district is listed along the top of the table and each *use* is listed in the rows. A "P" in the box indicates that a *use* is permitted by right in the respective zoning district. An "S" in the box indicates that a particular *use* is classified as a *Special Use* and is allowed only under specific conditions outlined in 19.10.030. If the box is blank, it indicates that a specific *use* is not permitted in that zoning district.

19.10.020 Similar Use Interpretations

A. Need and Authority for Similar Use Interpretations

Where a proposed unclassified or unspecified *use* is similar in character to a *permitted* or *special use* in a given district the *Village Zoning Administrator* is authorized to make a *Similar Use Interpretation*. At his discretion the matter may be referred to the Plan Commission for a final determination. The standards contained in this section shall guide *Similar Use Interpretations*.

B. Considerations Used in Making Similar Use Interpretations

The following considerations shall be used to determine what category a *use* is in and whether the activities are to be considered principal or *accessory uses*:

1. The similarity of the proposed or projected *use* or activity to already-*permitted uses* and activities
2. The relative amount of site area or floor space and equipment devoted to the activity
3. Relative amounts of sales from each activity
4. The type of customer for each activity
5. The relative number of employees in each activity
6. Hours of operation
7. *Building* and site arrangement
8. Vehicles used in the activity
9. The relative number of vehicle trips generated by the *use* or activity
10. Signage
11. How the *use* or activity advertises itself
12. Whether the *use* or activity is likely to be found independent of the other *uses* or activities on the site

C. Additional Standards for Similar Use Interpretations

1. No *Similar Use Interpretation* shall permit any *use* in any zoning district unless evidence shall be presented demonstrating that it will comply with all applicable *use* standards and all other applicable requirements and standards of this Title.
2. No *Similar Use Interpretation* shall permit any *use* in a zoning district unless the *use* is similar to other *uses* allowed in the zoning district and is more similar to such *uses* than to permitted and *Special Uses* allowed in other zoning districts.
3. If the proposed *use* is more similar to a *use* allowed only as a *Special Use* in the zoning district in which it is proposed to be located, then any *Similar Use Interpretation* permitting that *use* shall require a *Special Use Permit*.

**** See Definitions (Chapter 19-01) for terms in italics ****

D. Effect of *Similar Use* Interpretations

A *Similar Use* Interpretation finding that a particular *use* is permitted or conditionally permitted as a *Special Use* in a specific district shall not automatically authorize the establishment of such *use* or the development, *construction*, reconstruction, *alteration*, or moving of any *building* or *structure*. It merely authorizes the preparation, filing and processing of applications for any permits and approvals that may be required by the *Village* of Wheeling's codes and ordinances or other governmental agencies having jurisdiction. These permits and approvals include, but are not limited to, *Special Use Permits*, *building* permits and Certificates of Occupancy.

19.10.030 *Special Uses*

A. *Special Uses* Defined

Special Uses are those activities which, because of their unique characteristics, cannot ordinarily be allowed in a particular district without a consideration of their impact upon neighboring land uses and of the public need for the particular *use* at the particular location.

B. *Prior Special Uses* are Conforming

All *uses* existing as of the effective date of this Title which are classified in this Title as *Special Uses* in their respective zoning district are conforming as to their *Special Use* status. Any proposed change in their existing operation shall be subject to the procedures and provisions of the *Special Use* section of this Title.

C. Approval Required

Any *Special Use* listed in this Title shall be permitted only when authorized by the *Village* Board in accordance with the procedures established in this Chapter.

D. Application

Applications for a *Special Use* shall be made in duplicate to the *Village Zoning Administrator*. The following information shall be provided at the time of application:

1. Names and addresses of the *applicant*, *owners*, architect, engineer, planner, contractor, and all abutting and opposite property *owners* within 100 feet of the proposed *use*, exclusive of *street* right-of-way.
2. A written description of the *Special Use*, describing its unique characteristics, and a plan of operation describing the character of the operation in terms of its impact upon traffic facilities, storm drainage, sewage disposal, potable water supply, hours of operation and environmental character with particular emphasis on control of any possible noise, dust, odor, or other undesirable operating characteristics.
3. All site plan approval information required under 19.12.040, unless a written exemption is provided in advance by the *Village Zoning Administrator*.
4. Additional information as required by the Plan Commission or the *Village Zoning Administrator*.

E. Review and Approval Procedure

1. The Plan Commission shall hold a public hearing on all applications for *Special Uses* after public notice requirements are met.
2. The Plan Commission shall review the site plan, existing and proposed *structures*, architectural plans, neighboring *uses*, parking areas, *driveway* locations, *street* access, traffic generation and circulation, drainage, sanitary and storm sewer, water systems, landscaping, park requirements and proposed operation. Conditions such as landscaping, architectural design, type of *construction*, *construction* commencement and completion dates, lighting,

**** See Definitions (Chapter 19-01) for terms in italics****

fencing, planting *screens*, hours of operation, traffic improvements, deed restrictions, increased *yards*, or parking requirements may be recommended by the Plan Commission upon its finding that these are necessary to fulfill the purpose and intent of this Title.

3. Following the public hearing and review, the Plan Commission shall forward its written findings and recommendations with respect to the proposed *Special Use* to the *Village Board*.
4. The *Village Board* is authorized to take action to approve by ordinance or deny the application for *Special Use* approval, following receipt of the Plan Commission recommendations. Ordinances regarding *Special Use* approvals shall make reference to a site plan attached to the ordinance as an exhibit.
5. If an application for a proposed special use is not acted upon finally by the Board of Trustees within six (6) months of the date upon which the findings and recommendations of the Plan Commission are filed with the Board of Trustees, it shall be deemed to have been denied.

F. Compliance Required

Compliance with all other provisions of this Title, such as *lot width and area*, *yards*, height, parking, loading, traffic and highway access shall be required of all *Special Uses*.

G. Standards

The corporate authorities shall adopt an ordinance allowing the establishment of a special use whenever it shall find that:

1. The special use is necessary for the public convenience at that location;
2. The special use will not alter the essential character of the locality in which it is to be located;
3. The location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, the size of the site in relation to it, and the location of the site with respect to streets giving access to it, shall be such that it will be in harmony with the appropriate and orderly development of the district in which it is to be located;
4. The location, nature and height of buildings, walls and fences, and the nature and extent of the landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings, or will not impair the value thereof;
5. Parking areas shall be of adequate size and for the particular use, properly located, and suitably screened from adjoining residential uses, and the entrance and exit drives shall be laid out so as to prevent traffic hazards and nuisances;
6. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulation in that zone.

H. Special Standards for Specified *Special Uses*

When the zoning district regulations authorize a *Special Use* in a particular zoning district and that *Special Use* has additional standards set forth under 19.10.050 or 19.10.060, a *Special Use Permit* shall not be recommended or granted unless the *applicant* shall establish compliance with all such standards.

I. Revision

Any proposed change in the authorizing ordinance, or conditions, and site plan *alterations* that involve *building* size or integral changes to the design and location of proposed site elements, shall constitute a request for *Special Use* revision. These changes shall be submitted to the Plan

Commission who shall make findings of fact and recommendations which shall be transmitted to the *Village* Board for their approval. Minor site plan additions or changes shall be submitted to the Plan Commission for site plan review approval. The decision to process site plan additions or changes as a *Special Use* revision will be the responsibility of the Plan Commission.

J. Revocation

1. The *Village* Board, after public hearing, may revoke the *Special Use Permit* at any time if it is not in compliance with the conditions imposed or if there has been substantial change in the development without prior written approval of said changes by the Plan Commission.
2. A public hearing shall be held before the *Village* Board prior to any revocation of *Special Use*. A notice of such public hearing shall be published at least once, not more than thirty (30) nor less than fifteen (15) days before the hearing, in a newspaper of general circulation in the *Village*. The notice shall contain the date, time and place of hearing, the *street* address or common description of the property involved and a brief statement of the violation alleged to have occurred. Written notice shall also be sent, postage prepaid, to the last known address of the possessor of the *Special Use Permit*.

K. Extension of Time for Initiating a *Special Use*

1. When the holder of a *Special Use Permit* determines that an extension of time is necessary, he may apply for an extension in the same manner as the original application. The request for a time extension shall be processed in the same manner as an original application.
2. Upon initiation of property owner's request for extension, or upon any other initiative, the *Zoning Administrator* shall inspect the *Special Use Permit*, review the record of compliance with those conditions and restrictions previously imposed by the *Village* Board, and make a determination on whether the *Special Use* satisfies other conditions of approval as well as the provisions of Title 19 and all other applicable requirements.

L. Effect of Denial of *Special Use Permit*

No application for a *Special Use Permit* which has been denied, wholly or in part, by the *Village* Board may be resubmitted for a period of one year from the date of the last denial, except on the grounds of new information or changed conditions which are found valid by the *Village* Board.

M. Expiration of *Special Use*

1. A *special use* ordinance shall authorize one use at one location and shall expire if the *special use* ceases to operate for six continuous months or more. At the discretion of the *Village* Board, the approval ordinance may include conditions that reduce or eliminate the six month period for continuous operation.
2. A *special use* shall expire if the *special use* has failed to begin operation within one year from the date the ordinance granting the *special use* was approved. At the discretion of the *Village* Board, the specific approval ordinance for a special use may include provisions that allow for phasing of the project or a delay in beginning operation to accommodate a construction period.

19.10.040 Nonconforming Buildings, Structures and Uses

A. Intent

Within the districts established by this Title there exist *lots*, *buildings*, *uses* of lands and *structures* which were previously lawful but which would be prohibited, regulated or restricted under the terms of this Title. It is the intent hereof to provide for the amortization of certain

**** See Definitions (Chapter 19-01) for terms in italics ****

nonconformities, to permit some nonconformities to conditionally continue, and to insure that nonconformities shall not be enlarged, increased, expanded or extended, nor to be used as grounds for adding other *structures* or *uses* prohibited elsewhere in the same district.

B. *Nonconforming Uses Permitted*

Except as herein specified, any *building*, *structure* or *use* lawfully established and existing at the time of the enactment of this Title may be continued as a legal *nonconforming building*, *structure* or *use* although it does not conform to the provisions of this Title. *Single-family dwellings* and their *accessory structures*, when involuntarily annexed to the *Village*, shall not be considered *nonconforming* as to their *use* or dimension. Properties involuntarily annexed to the *Village* after December 31, 1994, are subject to additional provisions under Subsection L.

C. *Enlargement of Nonconforming Use*

A *nonconforming use* shall not be extended, but the extension of a *use* to any portion of a *building* which portion is at the time of the adoption of this Title primarily arranged or designed for such *nonconforming use*, shall not be deemed to be an extension of a *nonconforming use*.

D. *Illegal Uses or Terminated Nonconforming Uses*

Properties subject to zoning enforcement for an illegal *use* or termination of a *nonconforming use* prior to the date of the adoption of this ordinance are not eligible to continue as a *nonconforming use* and must be ceased.

E. *Restoration, Repairs and Alterations*

Any remodeling involving *structural alterations* made in a *nonconforming building* shall not during its life exceed fifty percent (50%) of its assessed valuation at the time the *building* became *nonconforming*, nor shall the *building* be enlarged, unless the *use* therein is changed to a *conforming use*; provided, however, that a *nonconforming building* damaged by fire, explosion, tornado, earthquake, or similar uncontrollable cause to the extent of no more than fifty percent (50%) of its assessed value prior to the damage may be repaired or rebuilt within two (2) years of the date of such damage, but not thereafter. *Alterations* required by law are not to be considered when calculating the fifty percent (50%) limit on lifetime improvements.

F. *Change of Use*

1. A *nonconforming use* of a *building* or *structure*, or portion thereof, shall not be changed to any other *nonconforming use*, unless it is determined by the Plan Commission acting as the Board of Zoning Appeals that the new *nonconforming use* is less intense than the existing *nonconforming use* based on factors including, but not limited to:
 - a. Hours of operation;
 - b. Number of parking spaces;
 - c. Number of employees;
 - d. Physical size of *building* relative to surrounding *buildings*;
 - e. Design characteristics of *building* relative to design features of surrounding *buildings*;
and
 - f. Traffic generation.
2. If it is determined by the Plan Commission acting as the Board of Zoning Appeals that a change in *nonconforming use* will be entertained for the subject property, *Special Use* review and approval will then be required in accordance with provisions set forth under 19.10.030.

G. *Discontinuation of Nonconforming Uses*

1. Vacancy

** See Definitions (Chapter 19-01) for terms in italics **

A *building* or *structure*, all or substantially all of which is designed or intended for a *use* which is not permitted in the district in which it is located, which is or hereafter becomes vacant, and remains unoccupied or unused for a period of six (6) months, shall not thereafter be occupied or used except in a manner which conforms to the *use* regulations of the district in which it is located.

2. **Conformance Required**

If a *nonconforming use* of land is discontinued for a period of six (6) months, such *use* shall not thereafter be renewed, and any subsequent *use* of the land shall conform to the regulations of the district in which it is located.

3. **Discontinuance**

If a *nonconforming use* is discontinued for a period of six (6) months, any future *use* of the *building* and premises shall be in conformity with the provisions of this Title.

4. Any period of such discontinuance caused by government action, strikes, material shortages, or acts of God, and without any contributing fault or action by the property *owner* or occupant or its agent, shall not be considered in calculating the length of discontinuance for purposes of this section. A change or transfer of ownership of a *nonconforming structure* or *use* shall not be considered a discontinuance of said *nonconforming use*.

H. **District Changes**

The provisions of this section shall also apply to *nonconforming uses* in districts hereafter changed.

I. **Improvements to Nonconforming Buildings**

Any *building* which is *nonconforming* only because of *lot area* or *yard* requirements may be rebuilt, remodeled, expanded upon or enlarged, provided that the improvements do not increase the degree of nonconformity.

J. **Use of Nonconforming Lots of Record**

Where the *owner* of a *lot* of official record at the time of adoption of this Title does not own and cannot reasonably acquire sufficient adjacent land to enable him to conform to the *yard* and other requirements of this Title, such *lot* may be used as a *building* site by the same or subsequent *owner* provided that the *setbacks* and other requirements shall conform to the requirements for the zone in which it is located; and also provided that the *owner* of such *lot* did not, directly or indirectly, have legal Title to a *lot(s)* contiguous to said *lot* on the effective date of this ordinance.

K. **Adjacent Nonconforming Lots in Common Ownership**

When two or more parcels of land, each of which does not meet the minimum standards to qualify for a *permitted use* under the requirements of the *use* district in which they are located, are contiguous and are held in one ownership, they shall be maintained and used as one zoning *lot* for such *use*.

L. **Special Provisions Applying to Properties Involuntarily Annexed to the Village after December 31, 1994**

1. **When Applicable**

Certain *buildings*, *structures* and *uses* are subject to the regulations of this Subsection (L) in addition to those regulations applying to all *nonconforming buildings*, *structures* and *uses* in the *Village*, as set forth in the balance of Section 19.10.040. Subsection (L) applies to all of those properties that were involuntarily annexed to the *Village* after December 31, 1994 on which there is situated a *building*, *structure* or *use* that was lawfully established and existing as of December 31, 1994 where such *building*, *structure* or *use* does not conform to all of the regulations of the district in which it is located, with the exception of single-family residences

**** See Definitions (Chapter 19-01) for terms in italics****

and their *accessory structures*. In Subsection (L) these *buildings, structures* and *uses* are referred to simply as “Nonconforming properties regulated under this Subsection”. Where conflict exists between the provisions of Subsection (L) and provisions found in the balance of Section 19.10.040, the provisions of Subsection (L) control.

2. *Repairs and Alterations*

Nonconforming properties regulated under this Subsection, shall be subject to the following provisions regarding repairs and *alterations*:

a. *Ordinary Repair and Maintenance.*

Upon submission and approval of a *Mitigation Plan* pursuant to Subsection (L)(4), normal maintenance and incidental repair or replacement, and installation or relocation of non-bearing walls, non-bearing partitions, fixtures, wiring, or plumbing may be performed on any nonconforming property regulated under this Subsection; provided, however, that this Subsection shall not be deemed to authorize any violation of other provisions of 19.10.040.

b. *Structural Alterations*

Upon submission and approval of a *Mitigation Plan* pursuant to Subsection (L)(4), any nonconforming property regulated under this Subsection may be structurally altered, including interior and exterior improvements to such *structure*; provided, however, that this Subsection shall not be deemed to authorize any violation of other provisions of Section 19.10.040.

c. *Damage or Destruction*

Upon submission and approval of a *Mitigation Plan* pursuant to Subsection (L)(4), any nonconforming property regulated under this Subsection that is damaged or destroyed to any extent, by any means not within the control of the *owner* thereof, may be repaired or restored to its original condition and the *use* may continue subject to the regulations of 19.10.040. Notwithstanding the foregoing, all such repairs and restorations shall be in strict conformity with the applicable zoning district regulations unless a *building* permit is fully applied for within six (6) months after the date of such damage or destruction and restoration is actually begun within one year after the date of such damage or destruction and is diligently pursued to completion within a maximum of two (2) years from the time restoration is initiated.

d. *Expanding into Another Portion of Building*

Upon submission and approval of a *Mitigation Plan* pursuant to Subsection (L)(4), any nonconforming property regulated under this Subsection may be extended, expanded, or enlarged within a *building* or other *structure* to any portion of the *floor area* that is vacant, otherwise not occupied by a legal *conforming use*, or newly created within the existing *building* or *structure*.

3. *Change to Another Nonconforming Use*

Any nonconforming property regulated under this Subsection shall have in place an approved *Mitigation Plan* pursuant to Subsection (L)(4), before a *nonconforming use* may be replaced by a less intense *nonconforming use* under the provisions of 19.10.040(E). Notwithstanding the foregoing, nothing in this Subsection shall be deemed to authorize any violation of other provisions of Section 19.10.040.

4. *Mitigation Plans*

a. *Notification of Property Owners*

The Community Development Department shall notify all *owners* of nonconforming properties regulated under this Subsection of their nonconforming status as follows:

- i. Such notice shall be properly served upon such *owner* by mail addressed to the *owners* at their last known address or, if the letter is returned showing that it has not been delivered, by posting a copy in a conspicuous place on the property affected by such notice, and by at least one publication of such notice in a local newspaper of general circulation.
 - ii. Included in the letter shall be a date by which a *Mitigation Plan* for the *nonconforming use* or *structure* must be submitted, no later than two (2) years from the date of the notification of the property or *business owner*. Such notice shall also contain the following:
 - (a) A description of the real estate sufficient for identification.
 - (b) The current zoning designation.
 - (c) A description of why the property is nonconforming.
 - (d) An explanation of regulations regarding *nonconforming buildings, uses* and *structures*.
- b. *Mitigation Plan* Submission
- The following material shall accompany an application for a *Mitigation Plan*.
- i. Application for *Mitigation Plan* on forms provided by the Community Development Department.
 - ii. Site plan meeting the requirements of this Title.
 - iii. A description of proposed measures to mitigate the impact of the *nonconforming use* and time schedule for instituting such measures.
 - iv. Fee as established elsewhere in *Village of Wheeling Municipal Code*.
- c. *Mitigation Plan* Site Plan Requirements
- Each application for a *Mitigation Plan* approval shall be accompanied by a site and landscape plan (collectively, the “site plan”). The dimensions of said site plan shall not exceed twenty-four (24) inches by thirty-six (36) inches and shall be drawn to a scale which is not numerically greater than 100 feet equals one inch. The following data and information shall be included in said site plan:
- i. The location, dimension, material and configuration of all *structures* and other improvements.
 - ii. A statement of the current *use* of the property. The *owner* may substitute another *nonconforming use*, insofar as the *use* proposed to be allowed through the *Mitigation Plan* is equal to, or is more restricted than the classification of the former *use* and such substitution or addition, does not increase congestion in the *streets* or impair the health, safety, morals, or general welfare of the district in which it is located.
 - iii. The location and extent of usable *open space*.
 - iv. The location, access, and other dimensions of existing and proposed *off-street parking* facilities and the number and configuration of spaces to be provided.
 - v. The location, dimensions, and materials of existing and proposed sidewalks, *driveways*, and other *impervious surfaces*.
 - vi. The location and intensity of illumination of any illuminated areas.
 - vii. The proposed *use* of *open space*.
 - viii. A landscaping plan and/or fencing plan.
 - ix. The location of all property lines, utilities, and related *easements*, including electric lines, storm drainage, sanitary sewers, and water services.
 - x. The *elevation* and total height of all *structures*.
 - xi. The *lot* size in square feet and the dimensions thereof.
 - xii. The land *uses* surrounding the *lot(s)* for which site plan approval is being sought.

- xiii. A date, north arrow, scale, legal description and address of the property, and name of the development.
 - xiv. The location of *buildings* on adjacent properties within twenty-five feet of surrounding property lines.
 - xv. A written description of the *business* located on the property including a declaration of the form and *owners* of the *business*.
- d. Procedure for *Mitigation Plan* Review
- i. Upon receipt of a complete application with the accompanying material, the *Zoning Administrator* shall schedule the item to be reviewed by the Plan Commission.
 - ii. The Community Development Department shall give notice of a public hearing in accordance with the procedures for a Plan Commission hearing on a *variation* as indicated in Section 19.13.050 of this Title.
 - iii. The *Zoning Administrator* shall prepare a report, presenting the facts of the case to the Plan Commission. The report shall make a recommendation to forward the case to the *Village Board*; to approve; approve with additional requirements; or to defeat(s) the proposed *Mitigation Plan*. In the event the Plan Commission defeat(s) the proposed *Mitigation Plan*; the case shall be forwarded to the *Village Board*.
- e. *Mitigation Plan* Findings
- Before approving any *Mitigation Plan*, the Plan Commission shall make a favorable finding of fact, solely based upon evidence presented at the public hearing. The findings shall always include the following:
- i. That the continued operation in accordance with the plan will not increase congestion in the *streets*, or impair the health, safety, morals or general welfare of the residents or other occupants of surrounding properties.
 - ii. That the plan includes adequate measures to mitigate current and potential future negative impacts of the *use*. Such measures shall include at a minimum proper *screening* which may be comprised of, but is not limited to, landscaping, fencing or a combination of the two.
 - iii. That the *owners* are proposing no changes to the *use* which would potentially create additional negative impacts from the *use*.
 - iv. That if no negative impacts of the *use* as currently operated are identified, the proposed *Mitigation Plan* maintains all aspects of the *use* as it is currently operated.
 - v. That the continuation of the *nonconforming use*, in consideration of the degree of land *use* conflict between a *nonconforming use* and its surrounding properties, will not diminish the value of nearby property, nor impair the public health, safety, morals or general welfare of the residents or other occupants of surrounding properties.
- f. *Mitigation Plan* Approval
- The Plan Commission will approve or deny the proposed *Mitigation Plan*. Approval of the *Mitigation Plan* may also include additional conditions and requirements as are appropriate or necessary for the protection of the public health, safety and welfare, and to satisfy the findings required for approving a *Mitigation Plan*. Such conditions may include, but are not limited to the following:
- i. Regulate the location, extent, and intensity of certain aspects of the *use* as appropriate.
 - ii. Require additional landscaping or *screening* of such *use* by means of *fences*, walls, and vegetation.
 - iii. Regulate vehicular access and the design and location of parking and loading areas and *structures*.
 - iv. Require conformance to health, safety, and sanitation requirements as necessary.

- v. Regulate signs and outdoor lighting to be more compatible with the surrounding neighborhood.
 - vi. Any other conditions deemed necessary to effect the purposes of this Chapter.
- g. *Mitigation Plan Certificate*
 As part of the approval of the request for a *Mitigation Plan*, the Plan Commission shall complete a Certificate of Approval which shall contain the following information:
- i. A legal description and common address of the subject property.
 - ii. A statement for each finding summarizing how such finding has been satisfied.
 - iii. Any conditions, safeguards, or flexible standards imposed on the *Mitigation Plan* as a condition of approval.
 - iv. A list of mitigation measures not indicated on the site plan.
 - v. A time table for undertaking mitigation measures.
 - vi. Any exhibits, including the site plan, shall be attached to the *Mitigation Plan* permit with a statement that the *Mitigation Plan* approval is conditioned on the project being operated in accordance with such plans unless specific exceptions are stated in the Certificate of Approval.
- h. *Mitigation Plan Amendments, Minor*
 The *Mitigation Plan* shall control operations of the *use*. Minor amendments to the approved *Mitigation Plan* may be made by the *Zoning Administrator* in writing. The *Zoning Administrator* shall review the written request to determine if the request qualifies as a minor amendment. The *Zoning Administrator* may approve the following minor amendments.
- i. Flexibility that has been expressly provided for through the Certificate of Approval.
 - ii. Minor changes that have not been specifically identified as a major amendment. Such change may only be authorized if engineering or other physical limitations of the site, not foreseen at the time the *Mitigation Plan* was approved, warrant such a change.
- i. *Mitigation Plan Amendments, Major*
 Major amendments may only be made under the procedures that are applicable to the initial approval of a *Mitigation Plan*. Unless accounted for in the Certificate of Approval, the following are major amendments:
- i. A reduction in overall amount of usable *open space*.
 - ii. A reduction in *off-street loading* and parking spaces by ten (10) percent.
 - iii. The change in location of any *structure* by more than ten (10) feet in any direction.
 - iv. An overall reduction in the area designated for landscaping treatment.
 - v. A change in the circulation pattern that would reduce or increase points of access, change access to another *street*, or increase projected traffic volumes.
 - vi. A delay in the deadline to undertake any specific mitigation measure by more than six (6) months. Delays for planting of landscape for seasonal conditions shall not constitute a major amendment.
 - vii. A combination of three (3) or more changes classified as minor amendments, which have not been specifically allowed by the Certificate of Approval, shall constitute a major amendment.
- j. *Failure to Approve Mitigation Plan*
 If the Plan Commission fails to approve the *Mitigation Plan*, the landowner may elect one of the following options:
- i. Resubmit a new application and plan.
 - ii. Appeal to *Village Board*. If *Village Board* disapproves the *Mitigation Plan*, then the *nonconforming structure or use* shall be subject to all provisions of this Chapter that

apply to all *nonconforming uses or structures* existing within the *Village* regardless of whether the property on which the *nonconforming use or structure* is situated was involuntarily annexed to the *Village*.

- iii. In any one case, only three (3) proposed *Mitigation Plans* may be submitted. If none of these plans are approved by the Plan Commission or *Village Board* within three (3) years of the original notice to the property or *business owner* pursuant to Section 19.80.060, then the *nonconforming structure or use* shall be subject to all provisions of this Title that apply to all *nonconforming uses or structures* existing within the *Village* regardless of whether the property on which the *nonconforming use or structure* is situated was involuntarily annexed to the *Village*.

- k. Failure to reapply for or to comply with the *Mitigation Plan*
Failure to comply with the *Mitigation Plan* shall constitute a zoning violation and shall be subject to zoning enforcement action.

19.10.050 Residential Use Regulations

The *uses* and standards listed below relate to the *Village of Wheeling Use Table* found in Appendix A. Unless otherwise noted, the *use* standards of this section apply whether the *uses* are allowed as *Permitted Uses*, *Special Uses* or *Accessory Uses*.

A. Home Occupations

1. These *home occupation* standards are intended to regulate the existence of *business* activities operated in residences. In order to protect the passive nature of residential districts, regulatory standards and restrictions contained within this section are designed to reduce potential conflicts between permitted *home occupation* activities and adjacent residences.
2. In addition to all of the standards applicable to the district in which it is located, each *home occupation* shall comply with the following standards to ensure that no adverse impacts accrue to neighboring properties, or infringe on the rights of adjoining property owners:
 - a. The *home occupation* shall be incidental and accessory to the residential *use* of the property. The *use* shall not change the residential character of the property.
 - b. The *use* may extend into a maximum of thirty percent (30%) of the total square footage of the principal *structure* not including the garage. The storage requirements for the occupation shall be counted towards the area occupied by the *business*.
 - c. *Basements* or *cellars* without adequate *egress*, light or ventilation shall not be allowed to be used for operation of a *home occupation*, nor shall such areas be used in the calculation of *building* area for *use* of a *home occupation*.
 - d. No *home occupation* shall cause overnight displacement of a vehicle from an attached or detached garage nor shall the area of any garage be considered in calculating maximum area that can be occupied by a *home occupation*.
 - e. There shall be no *structural alterations* or *construction* features, either permanent or temporary, nor the installation of special equipment which would change the residential character of the dwelling, garage or property.
 - f. There shall be no separate entrance constructed on the *building* for the sole purpose of the *home occupation*.
 - g. There shall be no *outdoor storage* associated with the *home occupation*.
 - h. Any *use* of combustible or toxic materials necessary for the *home occupation* shall be limited to ten (10) gallons exclusive of that contained within the fuel tanks of vehicles on site.
 - i. Generation of refuse for collection shall not exceed amounts typically produced by a dwelling.
 - j. The *home occupation* shall not generate excessive delivery nor passenger vehicles which would adversely affect adjacent property or existing circulation patterns.
 - k. The *home occupation* shall not cause a parking demand where there otherwise would be adequate parking for the surrounding residents.
 - l. Only one *person* in addition to those residing at the residence where a *home occupation* is operating or proposed shall be allowed as an employee of the *home occupation*.
 - m. There shall be no noise, odor, dust, *vibration*, smoke, glare, electrical interference, fire hazard or any other hazard emanating from the dwelling where a *home occupation* exists so as to create adverse impacts to adjacent properties.

** See Definitions (Chapter 19-01) for terms in italics **

- n. There shall be no manufacturing or processing conducted in the home as defined here: the production of articles from raw or prepared materials whose forms, qualities, properties or combinations represent hazardous characteristics to the general population, during processing or as the end result.
 - o. Sale of a good/delivery of a service can take place provided it is done on an appointment basis so that as few vehicles as possible are parked at a *dwelling unit* at one time.
 - p. Only vehicles allowed under Section 9.10.114 of the Municipal Code will be permitted as part of the home occupation.
 - q. No vehicle with signage or advertisement for a home occupation shall be allowed to be parked in the driveway overnight in accordance with Section 21.05.800 (j) of the Municipal Code.
3. *Presumption of a Home Occupation*
Any of the following criteria shall give rise to the presumption that a *home occupation* is being conducted at or from a residence.
- a. Advertising with address and/or telephone number of the *business* being that of the residence;
 - b. Utility bills with the service address for a *business* being that of the residence;
 - c. Reports, tax returns or other documents filed with any government agency which indicates the address of the *business* is that of the residence;
 - d. Letterhead, invoices, statements of account, estimates or other documentation which indicates that the address of the *business* is that of the residence.
4. *Types of Permitted Home Occupations*
The following uses are permitted as *home occupations*:
- a. Computer programmers, livery services limited to one vehicle, attorney, accountant, operators of wholesale or retail sales businesses (off the premises or by phone or mail), architect, graphic artist, word processor and other consultant businesses that pertain to preparation of documents and drawings that generally do business by telephone;
 - b. Artist studio, photographer, locksmithing, jewelry making or repair, seamstress, upholsterer;
 - c. Therapists, social workers, human services professionals, and teachers, limited to a maximum of four persons for consulting at a time;
 - d. Educational classes with four pupils or less.
5. *Penalty*
Any *person*, firm or corporation convicted of violating any provisions of this section shall be fined in accordance with the *Village's* currently adopted schedule of fines. Each additional day a violation exists shall be deemed a separate offense.

B. *Daycare Home*

In addition to the *special use* requirements set forth in the conditions of approval, the following additional requirements must be satisfied. These regulations do not apply to a *Child Care Service*.

- 1. Licensing by Department of Children and Family Services (DCFS) as a daycare home;
- 2. Receipt of a *Village business* license;

3. Compliance with the National Fire Protection Association (NFPA) #101: Life Safety Code (1997 Edition), Section 10-6 "Day Care Homes," as well as all other referenced requirements contained within this section.
4. A maximum of eight (8) children allowed, including the operator's children;
5. The property shall be inspected every six (6) months by the *Village* Health Officer and the *Village* Fire Department for compliance with the *Village* regulations;
6. The home daycare shall comply with all of the *home occupation* regulations of the *Village*, with the exception that one assistant is permitted per eight (8) children.
7. All outside play activities take place in the rear yard;
8. The *rear yard* play area be *fenced* with a six (6) foot tall privacy *fence* (Note: play equipment is not considered *outdoor storage* for the purpose of ordinance interpretation);
9. All children being dropped off from a vehicle enter and leave the vehicle when the vehicle is in the *driveway* of the property;
10. There be no sounding of vehicle horns;
11. The home daycare operator supply a copy of their rules and regulations for the daycare to the *Village*;
12. The home daycare shall not receive children before 6:00 a.m. and all children must be picked up by 6:00 p.m. each day except in cases of emergency;
13. The home daycare obtain approval from a homeowner's association, if applicable.
14. Any new home daycare facility must be located a minimum of 1/8th mile from any existing home day care facility unless a *variation* is obtained.
15. The main *caregiver* must reside in the home where the child/children are being cared for.

C. *Mobile Home Developments*

1. *Mobile Home Development Standards*
Mobile home developments are regulated as a *special use* in the R-4 district within the *Village* of Wheeling. All *mobile home developments* shall comply with the following conditions and standards:
 - a. Every *mobile home development* shall contain a minimum area of ten (10) acres.
 - b. The *density* of any *mobile home development* shall be not more than eight (8) units per acre.
 - c. Every *mobile home development* shall be required to comply with the terms of its approval as originally adopted and any subsequent amendment.
 - d. *Off-street parking* shall be required in all *mobile home developments* in accordance with the terms of its approval and as provided in this Title.
 - e. There shall be an *open space* of at least twenty-five (25) feet adjacent to the sides of every *mobile home* and fifteen (15) feet adjacent to the rear of every *mobile home*. Every *mobile home* shall be set back at least twenty-five (25) feet from a right-of-way line. All *appurtenances* and attachments including, but not limited to, garages (attached and detached), carports, canopies, *porches*, *decks* or storage sheds, shall be considered as part of the *mobile home* for the purpose of computing distances for the *open space* and *setback* requirement. Parking spaces shall not, however, be considered part of the *mobile home* for *open space* or *setback* requirements.

- f. The developer of a *mobile home development* must provide a minimum of six percent (6%) of the gross area of the development for recreational facilities. Neither *setbacks* nor *open space* requirements shall be included within the recreational facility requirements.
 - g. Each *mobile home* within the *mobile home development* shall be provided with its own area of land which shall not be less than 3,500 square feet.
 - h. Each *mobile home development* shall be fully landscaped in an attractive, permanent manner.
 - i. *Street* lighting shall be in conformity with the provisions of Title 17 of *Village Ordinances*.
 - j. Each *mobile home development* shall have sanitary, storm and water mains in conformity with the provisions of Title 17 of *Village Ordinances*.
 - k. Overhead electric and telephone wiring shall be prohibited, and all such cables shall be underground in accordance with accepted *building* practices.
 - l. Each *mobile home* unit shall be connected to the sanitary sewer and water main systems of the development.
 - m. No *mobile home development* shall be so located that the drainage of the development area will endanger any water supply. All such developments shall be well-drained and shall be located in an area free from ponds, swamps and similar places in which mosquitoes may breed. No wastewater from *mobile homes* shall be deposited on the surface of the ground.
 - n. A laundry room or *building* shall be provided, containing laundry trays to accommodate the *mobile home development*. No laundry trays shall be located in toilets or bathrooms.
 - o. An adequate water supply shall be provided at all times for the operation of all water closets in service *buildings* and an adequate supply of hot and cold water shall be provided at all times in the service *buildings* for all bathing, washing, cleansing and laundry facilities.
 - p. A sufficient number of adequate flyproof and watertight containers shall be supplied for the storage of garbage except where an adequate incinerator is provided.
 - q. Garbage and rubbish shall be disposed of in a manner which is approved by the Department of Public Health and which creates neither a nuisance nor a menace to health.
 - r. Adequate insect and rodent control measures shall be employed. All *buildings* shall be flyproof and rodentproof, and rodent harborages shall not be permitted to exist in the development.
 - s. An electrical connection for each individual *mobile home* site shall be provided, and the installation shall be in compliance with all *state* and local electrical codes and ordinances.
 - t. Every *mobile home development* shall be in the charge of a responsible attendant or caretaker at all times whose duty it shall be to maintain the development, its facilities and equipment in a clean, orderly and sanitary condition.
2. *Mobile Home Standards*
- a. A *mobile home development* shall contain only *mobile homes* which comply with the National Manufactured Housing Construction and Safety Act (42 USC 5401 et seq.) as may be from time to time amended. Each *mobile home* shall contain not less than 600 square feet of floor space nor more than 1,800 square feet of floor space.
 - b. All *mobile home* units shall meet the wind design load requirements of Section 2-6.3.2 of the Standards for Mobile Homes (NFPA 501B-1977 (ANSI) or of the Mobile Home

** See Definitions (Chapter 19-01) for terms in italics**

Construction and Safety Standards Code of Federal Regulations, Title 24, Part 280), as may from time to time be amended.

- c. Skirting around the base of each *mobile home* shall be required. Skirting shall be approved by the Plan Commission. At least one door in the skirting shall be provided for access and maintenance.
 - d. No *mobile home* shall exceed one *story* in height.
 - e. Every *mobile home* shall be placed upon a permanent foundation with wheels, tongues and hitch removed, and shall be attached to the foundation in accordance with the provisions of Title 15 of *Village Ordinances*.
3. *Buildings and Structures Accessory to Mobile Homes*
Accessory buildings and structures in mobile home developments are regulated as follows:
- a. Canopies and awnings constructed of metal may be attached to an existing or new *mobile home* provided that an *open space* of five (5) feet exists between any adjacent unit or appurtenance.
 - b. *Porches* and *decks* may be attached to existing or new *mobile homes* if the attachments are constructed of fire resistant materials. Wood is considered fire resistant if treated with an acceptable fire resistant process. An *open space* of five (5) feet is required between *porches* and/or *decks* and any adjacent unit or appurtenance.
 - c. Storage sheds may be replaced or installed so long as they are constructed of fire resistant materials and an *open space* of five (5) feet is provided at sides and ends of the shed.
 - d. New detached garages are prohibited.
 - e. Carports may be attached to existing or new *mobile homes* so long as an *open space* of ten (10) feet from the side of the carport to an adjacent *mobile home* or of five (5) feet to an adjacent appurtenance is provided and five (5) feet of *open space* is provided at the ends. Carports shall be designed and constructed to withstand lateral and horizontal forces in accordance with *village building codes*. Exterior wall and roofing materials shall be fire resistant (e.g. aluminum, masonry, metal, non-asphalt shingles etc.)
 - f. Attached garages may be constructed so long as an *open space* of ten (10) feet from the side of the garage to an adjacent *mobile home* or five (5) feet to an adjacent appurtenance is provided and five (5) feet of *open space* is provided at the end. *Construction* of an attached garage shall conform to Section 19.30.110 of the Wheeling Municipal code.
 - g. *Cabanas* and room additions are not permitted.
 - h. Each individual *mobile home* shall have an enclosed exterior storage area which shall conform to all applicable health and safety codes. Each storage area shall be not less than forty (40) nor more than 150 square feet in area.

4. *Installation and Replacement of Mobile Homes*

Installation of new *mobile homes* and replacement of existing *mobile homes* shall be in accordance with the following requirements. Existing *mobile home dwelling units* may be replaced with a new unit of substantially the same square footage and located on the same pad. *Appurtenances* such as *porch*, car port, *deck* etc. existing as a part of the old unit being removed may be re-attached to the new unit so long as they conform to applicable *building codes* and requirements set forth in this zoning ordinance. If the existing *appurtenances* do not conform to these standards they must be removed or reconstructed to conform. *Cabanas* and room additions are not permitted and must be removed. Prior to removing the existing unit, a sketch shall be submitted to the *building official* showing the size and location of the unit along with the size and location of any existing *appurtenances*. Distances from the unit being removed and its *appurtenances* to the adjacent side and rear units (including

** See Definitions (Chapter 19-01) for terms in italics**

appurtenances) shall be shown. A similar sketch showing the location of any *appurtenances* to remain shall be submitted at the same time. The new unit is not to be installed until such time as appropriate inspection and any necessary *structure* reviews are completed and written approval to proceed is issued. No *mobile home* may be moved or replaced unless there is an *open space* of at least ten (10) feet adjacent to the sides and at least five (5) feet adjacent to the ends in all cases. All *appurtenances* and attachments, except metal canopies and awnings shall be considered as part of the *mobile home* for the purposes of computing *open space* distances.

5. *Building Permit Required*

- a. No work shall be done to, within, or with respect to any *mobile home* or *mobile home development* until a *building permit* has been issued by the *Village*. Permits for such work relating to a specific *mobile home* unit shall be issued only upon the joint application of the lessee or occupant of the unit and the *mobile home development owner*.
- b. The *applicant* or *applicants* for a *building permit* shall submit such information as shall be required by the *Village*.
- c. A *permit* fee shall be required in accordance with current adopted fee schedules at the time of issuance.

19.10.060 Non-Residential Use Regulations

The *uses* and standards listed below relate to the *Village of Wheeling Use Table* found in Appendix A. Unless otherwise noted, the *use* standards of this section apply whether the *uses* are allowed as *Permitted Uses*, *Special Uses* or *Accessory Uses*.

A. *Adult Entertainment Establishments*

1. Purpose and intent

The purpose of this Section is to control through zoning regulations certain *adult entertainment establishments* that have a direct and detrimental effect on the character of the *Village's* residential neighborhoods and commercial areas. This section shall not impose a limitation on the content of any communication materials, including sexually oriented materials as protected by the First Amendment.

2. Applicability

The provisions of this Section of the Zoning Code shall apply to all existing and future adult entertainment establishments. However, any such existing establishment that does not meet the zoning district restrictions or the distance limitations, may continue its existence as a *nonconforming use*; provided, however, that no such *business* may be enlarged or increased in size or be discontinued for a period exceeding 180 days.

3. General Requirements

a. Zoning District

Adult entertainment establishments may be operated or maintained only within the I-3 District; provided, that they are located on a minor or major arterial road and subject to the distance limitations noted below.

b. Distance Limitations

Distance limitations set forth herein shall be measured in a straight line from the *lot lines* of said premises and the *lot line* of properties located in specified districts. No *adult entertainment establishment* shall:

** See Definitions (Chapter 19-01) for terms in italics**

- i. Be operated or maintained within 1,000 feet of the boundary of any residential, institutional or mixed-use district;
 - ii. Be operated or maintained within 1,000 feet of a church, park, recreational site, licensed *daycare* facility, public *library*, public or private educational facility which serves *persons* under age eighteen (18), place of worship, or elderly housing facility;
 - iii. Be operated or maintained within 2,500 feet of any other *adult entertainment establishment*.
- c. Same Use Restrictions
No *adult entertainment establishment* shall be located in the same *building* or upon the same property as another such *use*.
- d. Sign Limitations
Notwithstanding any other provision of this code, an *adult entertainment establishment* shall not be permitted more than one sign advertising its *business*, and it shall be limited to an on-premises or *building* sign only. All such signs shall meet the following criteria:
 - i. Signs may not illustrate merchandise.
 - ii. No sign shall contain any flashing lights, moving elements, or mechanically changing messages;
 - iii. No sign shall contain any depiction of the human form or any part thereof nor shall it contain sexually explicit language such as "nude dancing" or "Girls, Girls, Girls," etc;
 - iv. In order to allow currently operating *adult entertainment establishment* to recover its financial investment in current signage, any currently operating *adult entertainment establishment* shall bring its signage into conformity with the provisions of this Section within one year from the date of passage of this ordinance.
 - v. A one square foot sign shall be placed on the door to state admittance to adults only.
- e. *Building's Exterior Appearance*
The *building's* exterior shall meet the following criteria:
 - i. Colors to be earth or neutral tones with primary accent colors to be within the same color family
 - ii. Stripes and geometric patterns are prohibited
 - iii. The exterior shall be adequately maintained in good condition

B. *Gas Stations and/or Convenience Stores*

Gas Stations and/or convenience stores shall meet the following requirements:

- 1. Direct Access to Arterial Streets Required
All *gas stations and/or convenience stores* shall have direct access to an arterial *street* except when part of a nonresidential development where nonresidential *uses* will be on both sides of the *street*.
- 2. Architectural Design
All *gas stations and/or convenience stores* abutting residential *uses* and zoning districts shall have pitched roofs matching the roof lines of adjoining residential *structures*.
- 3. Canopies
The canopies provided over pump islands shall meet the *yard* requirements of a principal *structure*. In addition:
 - a. The canopy shall not block visibility at intersections of rights-of-way or drives.
 - b. All pump islands, their surrounding *structures*, and the canopy overhang shall meet the zoning district's *front yard* requirement.
 - c. Under no circumstances shall the underside of the canopy as measured at the bottom of its exterior fascia be higher than sixteen (16) feet.

** See Definitions (Chapter 19-01) for terms in italics **

C. Home Improvement Centers

Outdoor storage of tools and equipment for sale or rental at all *Home Improvement Centers* shall be contained within a designated area surrounded by a wall a minimum of three (3) feet in height and be suitably landscaped. The *Village* reserves the right to limit the size of such designated areas.

D. Motor Vehicle Repair Facilities with or without fuel pumps

Motor vehicle repair facilities with or without fuel pumps shall meet the following requirements:

1. Direct Access to Arterial *Streets* Required

All *motor vehicle repair facilities* shall have direct access to an arterial *street* except where non-residential *uses* will be on both sides of the *street*.

2. Architectural Design

All *motor vehicle repair facilities* abutting residential *uses* and/or residential zoning districts shall have pitched roofs matching the roof lines of adjoining residential *structures*. The *buildings* shall use the same architectural materials on all sides of the *building*.

3. Canopies

The canopies provided over pump islands shall meet the *yard* requirements of a principal *structure*. In addition:

a. Obstruction of Visibility at Rights-of-Way Prohibited

The canopy shall not block visibility at intersections of rights-of-way or drives.

b. Zoning District *Front Yard* Requirements Shall Be Met

All pump islands, their surrounding *structures*, and the canopy overhang shall meet the zoning district's *front yard* requirement.

c. Maximum Height

Under no circumstances shall the underside of the canopy as measured at the bottom of its exterior fascia be higher than sixteen (16) feet.

4. Repair Services

All repair services shall be done within a completely enclosed *building* and shall meet the following requirements:

a. All vehicle parts shall be stored within a completely enclosed *building*.

b. The maximum allowable number and size of tow trucks which can be parked at the site shall be determined by the Plan Commission as a condition of approval of the *Special Use Permit*.

5. Concrete Curb and Gutter

Concrete curb and gutter shall be required throughout all *off-street parking*, drive and loading areas.

E. Motor Vehicle Sales and Rental

1. *Motor vehicle sales* are limited to lots five acres or more in area.

2. Areas used for the display of automobiles, trailers, trucks or other motor vehicles for sale shall have appropriate bumper guards where needed and shall be paved with hard, dust-free surfacing. The same *setback* and *side yard* requirements of such residential district as may be contiguous or adjacent thereto shall be observed. Such required front and *side yards* shall be landscaped and planted with suitable ground cover and properly maintained.

3. Where vehicles are on display in an unenclosed area, there shall be a minimum of 300 square feet of ground area per vehicle exclusive of areas occupied by *buildings*, and no

vehicle shall be displayed within twenty-five (25) feet of the property line. See Appendix A, Use Table, for additional regulations relating to unenclosed display area.

4. On sites which adjoin the side *lot line* of a *lot* in a residential district, suitable landscaping shall be planted and maintained.
5. Any lights used to illuminate a site shall be in compliance with the provisions of Title 19.11.040.
6. All sites shall be graded and provisions made for surface water runoff so that drainage does not take place across the surface of adjacent sidewalks or planted areas. Such drainage of water shall be by means of (a) direct underground connection with the storm sewer, or (b) direct flow of surface water to an adjacent paved *alley*.
7. Truck rentals shall be permitted only as an *accessory use* to an automobile rental facility. Trucks shall be parked only in areas designated for truck parking as shown upon the approved site plan. No truck repairs shall occur upon the property. Trucks shall not exceed twenty-four (24) feet in length.

F. Wireless Telecommunication Antennas

1. Purpose and Intent

- a. To ensure the provision of *personal wireless service* within the corporate boundaries of, and for the benefit of, the residents of the *Village* of Wheeling.
- b. To protect the public health, safety, and general welfare of the community, public and private property, and community aesthetics.
- c. To minimize the visual impact of *towers*, *antennas*, and associated *buildings* through design and siting standards.
- d. To maximize the *use* of existing and approved *towers* and *buildings* to accommodate multiple *antennas* in order to reduce the number of *towers* needed to serve the community.
- e. To avoid damage to adjacent properties from *tower* failure through structural standards and *setback* requirements.

2. *Special Use Permit* Required

With the exception of property owned by the Village of Wheeling, a *Special Use Permit* shall be required for *wireless communication facilities* in those zoning districts in which *wireless communications facilities* are allowed as *Special Uses*. *Wireless communications facilities* are allowed as *Special Uses* in any zoning district except that in any residentially zoned districts they shall only be allowed on existing *structures*. Written notification of a public hearing shall be required for all new wireless antennas, with the exception of co-location on existing structures on Village-owned property or on existing structures originally approved for additional antenna arrays.

3. Application

At the time of application for a *Special Use Permit*, the *applicant* shall submit the following information:

- a. A site plan showing the location of the proposed *tower* as well as the location of the proposed equipment storage *building*. The site plan shall include any equipment storage *buildings* which shall be designed to accommodate other potential carriers that may locate on the *tower* and accommodate expansion.
- b. A written statement signed by the *applicant* that *FAA* and State of Illinois approvals are not required, or a copy of those applications if they are required.

** See Definitions (Chapter 19-01) for terms in italics **

- c. An explanation describing how the proposal is in concert with zoning and land *use* requirements of the particular zoning district.
 - d. A visual impact statement, including a site photo, drawing of the proposed *structure*, and setting forth the location of the *structure* plotted on an aerial map of a scale of one inch equals 300 feet or finer, showing adjacent land *uses* within a radius of 2,500 feet of the *structure*.
 - e. A statement describing the access to the facility.
 - f. *Applicant* shall submit a horizontal plan of the facility, showing the relationship of all major components of the facility, including a *tower*, *fence*, *buildings* on site, *lot lines* and nearest residences and access roads.
 - g. A statement describing the impact on utility services at the proposed facility.
 - h. An engineering analysis, conducted by a registered professional engineer familiar with the *structure*, which considers the following:
 - i. Structural capacity
 - ii. *Antenna* aperture
 - iii. Space and equipment *building*
 - iv. FCC, FAA, and/or State of Illinois limitations.
 - v. The analysis shall include a written report from the engineer in the application describing strengthening methods to be used along with a statement that the proposed facility meets the latest Electrical Industries Association (EIA) requirements for the Chicago area wind loads.
 - i. A detailed statement of how arcing, spurious emissions, intermodulation, and distortion will be minimized by RF transmitter filtering, secure bonding of waveguide, transmissions lines and other *tower* and guy attachments and the *use* of corrosion resistant hardware.
 - j. If the application proposes a new *tower structure* instead of *co-location*, the *applicant* must also submit documentation outlining the reasons for not co-locating.
4. *Co-Location* Requirements
- No proposal for the *construction* of a new wireless telecommunication *tower* shall be approved unless the *applicant* documents to the satisfaction of the Board of Trustees that the *antenna* planned for the proposed *tower* cannot reasonably be accommodated on an existing, conforming *co-location tower* or *structure*, or on a utility pole within the *applicant's* search ring due to one or more of the following:
- a. The *antenna* would exceed the structural capacity of the existing or approved *tower* or *building* (engineering report required).
 - b. The *antenna* would cause interference with other existing or planned equipment at the *tower* or *building* (engineering report required).
 - c. Existing or approved *towers* and *buildings* cannot reasonably accommodate the *antenna* at a height necessary for the proposed *antenna* to provide services to the residents and *businesses* of the *Village* (engineering report required).
 - d. Existing or approved *towers* and commercial *buildings* are outside of the documented search area (map of entire search area required).
 - e. The *owners* or lessors of the existing or approved *towers* and *buildings* are unwilling to allow *co-location* upon their facilities (letters from all carriers within search area required).

5. Plan Commission Review

** See Definitions (Chapter 19-01) for terms in italics **

The following criteria shall be considered in granting a *Special Use Permit*:

- a. Whether the *wireless communications facility* complies with pertinent FCC regulations and federal requirements concerning RF emissions.
- b. Whether or not municipal sites are available for a *wireless communication facility*.
- c. Whether *FAA* and State of Illinois approval is required.
- d. The design of the existing *structures* and new *towers* or *appurtenances* to be placed on *buildings* or to be ground mounted must be approved by a registered professional engineer familiar with the requirements of such *structures*. The professional engineer's analysis shall include:
 - i. *Tower* "free fall" zone based upon *tower* break points; radius for falling *tower appurtenances*, hardware and ice; windscatter of paint, general public safety with respect to load capacity; percentage of ultimate *tower* capacity reserved for future use.
 - ii. The configuration, design and size of any equipment storage *buildings* shall be consistent with *buildings* in the particular zoning district and will comply with the requisite *setback* requirements in the district.
- e. Whether the proposal is in concert with the zoning and land *use* requirements of the particular zoning district.
- f. Whether there is a visual impact of the *wireless communications facility* and the appurtenant *buildings* upon the adjacent area including distance from residences, scenic vistas, and whether any appropriate landscaping is in place or proposed which would act as a *screen* such as trees, berms or *buildings*. A surface paint or finish shall be used on all *towers*, *antennas*, and equipment that reduces the visibility of the *tower* and equipment. Equipment on an existing *structure* shall be painted to match the *structure*. Free standing *towers* and equipment shall be colored to harmonize with the surrounding environment as approved by the Plan Commission.
- g. The access to the facility and:
 - i. Whether the facility is restricted by *fence* or locked rooftop
 - ii. Who possesses keys
 - iii. Whether there are anti-climbing provisions at the facility.
- h. The impact of utility services at the proposed facility.
- i. Whether there is adequate provision for maintaining the facility in good repair and condition, including painting and grass trimming.
- j. Whether the proposed facility is the best alternative within a radius of one mile.
- k. The number of users which could be accommodated on the proposed *structure* based upon an engineering analysis, conducted by a registered professional engineer familiar with the requirements of the *structure*, which considers the following:
 - i. Structural capacity
 - ii. *Antenna* aperture
 - iii. Space and equipment *building*
- l. In determining whether to grant a *Special Use Permit*, the *Village* may impose conditions to the extent the it is concluded that such conditions are necessary to minimize any adverse effect of the proposed facility on adjoining properties.
- m. In the event additional equipment is required for reasons such as new technologies or a greater number of carriers than anticipated, then the existing storage *building* shall be expanded to accommodate such equipment. Where, based on the site configuration, it is

** See Definitions (Chapter 19-01) for terms in italics**

not practical to design one equipment storage *building* to accommodate the needs of the total number of carriers on the *tower*, the Plan Commission may allow more than one equipment storage *building* on a site.

6. *Setbacks*

- a. The minimum *setback* from any property line, public right-of-way, *building*, or *structure* shall be equal to 110% of the height of the *tower*.
- b. *Setbacks* for *accessory buildings* and *structures* incidental to the *use* of the *tower* or *antenna* shall comply with the requirements of the zoning district in which the *structure* is located.

7. Abandonment

Any *wireless communication facility* that is not operated for a continuous period of six (6) months shall be considered abandoned and the *owner* of such facility shall remove the same within ninety (90) days of receipt of written notice from the *Village* notifying the *owner* of abandonment.

G. *Vending machines*

1. General regulations

Vending machines shall be subject to the regulations of Title 4, Taxes, Business Regulations and Licenses, Section 4.08.140, Fees.

2. Outdoor vending machines

- a. Outdoor vending machines greater than thirty (30) cubic feet in size shall be subject to Minor Site Plan and Appearance Review in accordance with Section 19.12.040. The Plan Commission shall consider the following during the review: whether the machine is necessary for the public convenience, whether the proposed installation location on the site is appropriate for the type of machine requested, whether the proposed machine will have a negative impact on adjacent properties, whether the proposed machine is in harmony with the aesthetic character of the area
- b. Regulations
 - i. No single machine shall be larger than 180 cubic feet.
 - ii. The facility must be anchored to the ground.
 - iii. The machine must be located as to not block roads, drive aisles, walkways, accessible routes, fire lanes, a required *vision triangle*, or occupy a required parking stall.
 - iv. The machine may not be located in a required front yard setback, may not be within 30' of a residential property, and must be located so that light does not project onto residential property.
 - v. Specifications for the machine shall be submitted to the Community Development Department to determine whether the electrical service in the installation location is adequate.

H. *Mobile Food Vendors*

1. General regulations

** See Definitions (Chapter 19-01) for terms in italics **

Mobile Food Vendors shall be subject to the regulations of Title 5, Health and Sanitation, Chapter 5.08 and 5.18.

2. Regulations

- a. All signage and accessories shall be completely attached to the vehicle at all times.
- b. Except while delivering food items, a mobile vendor shall not be located on private property without providing the written consent of the property owner to the Community Development Department.
- c. On public rights-of-way, a mobile vendor shall not be in a single location for more than thirty (30) minutes.
- d. On private property, a mobile vendor shall not be located on a single property for more than four (4) consecutive hours.

I. Restaurants, Taverns, and Nightclubs with Entertainment

1. General regulations

Restaurants, nightclubs, and taverns offering entertainment shall be subject to the regulations of the Use Table (Appendix A) and Section 19.10.030, Special Uses.

2. Regulations

- a. The nature and extent of the entertainment, other than *Incidental Entertainment* as defined in Chapter 1 of this Title, shall be described in the special use legislation for the subject location.
- b. Modifications to the nature and extent of the entertainment shall be reviewed by the Plan Commission in accordance with Section 19.10.030, Special Uses, subsection I, Revisions.

J. Outdoor Dining Areas

1. General regulations

- a. Outdoor dining areas shall be subject to the regulations of the Use Table (Appendix A), Section 19.11.010 E (Required Parking), and Section 19.10.030 (Special Uses).
- b. Requires the review and approval of the Community Development Department. Outdoor dining areas with more than fifteen (15) seats or features such as walls or permanent railings will be forwarded to the Plan Commission for Minor Site Plan and Appearance Review.

2. Regulations

- a. Outdoor dining areas shall maintain a minimum five foot wide open walkway when located in sidewalks or shopping center walkways.
- b. Trash receptacles or table busing are required.
- c. Access to features such as the fire department connection shall not be impeded.
- d. Businesses without indoor seats are limited to eight (8) seats unless specifically allowed to have additional seating through the Special Use review process.

K. Car sharing facilities

1. General regulations

Car sharing facilities shall require Minor Site Plan and Appearance Review at minimum. Stalls used in accordance with this section shall be considered to meet the requirements for minimum parking by land use category (Section 19.11.010).

** See Definitions (Chapter 19-01) for terms in italics**

2. Regulations

- a. *Car sharing facilities* shall be considered as a permitted accessory use, but restricted to parking lots with a minimum of forty (40) stalls.
- b. A maximum of two stalls may be occupied by car sharing facilities for every forty (40) stalls provided.
- c. Signage shall be subject to the regulations of Title 21, Signs.
- d. Access to features such as the fire department connection shall not be impeded

L. *Electric vehicle charging stations*

1. General regulations

Electric vehicle charging stations shall require Minor Site Plan and Appearance Review at minimum. Stalls used in accordance with this section shall be considered to meet the requirements for minimum parking by land use category (Section 19.11.010).

2. Regulations

- a. Electric vehicle charging stations shall be considered as a permitted accessory use, but restricted to parking lots with a minimum of forty (40) stalls.
- b. A maximum of two stalls may be occupied by charging stations for every forty (40) stalls provided.
- c. Signage shall be subject to the regulations of Title 21, Signs.
- d. The Plan Commission may consider of the type of facility (rapid charge vs. slow charge) in conjunction with the review of the size and location of the facility.
- e. Facilities for fleet use or private residential use shall not be subject to the restrictions of this Section.
- f. Access to features such as the fire department connection shall not be impeded

M. *Medical Cannabis Dispensary*

1. General regulations

- a. *Medical Cannabis Dispensaries* shall require Special Use review and licensing by the State of Illinois Department of Financial and Professional Regulation (DFPR).
- b. All regulations established by the DFPR subsequent to the effective date of this Title shall apply.

2. Regulations

- a. Such facilities shall have the parking requirement of a general commercial / office space (4 stalls per 1000 sq ft).
- b. A licensed dispensary shall not be located within 1,000 feet of the property line of a pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, summer camp, or part day child care facility. A registered dispensing organization may not be located in a house, apartment, condominium, or an area zoned for residential use.
- c. Site lighting shall be provided in accordance with the minimum standards for "Neighborhood Shopping Center."
- d. The plan submittal for Special Use review shall include the following: the provision of adequate handicapped parking, exterior photometrics, a scaled floor plan, signage plans as described in this section, a description of the business operation (deliveries, number of employees, hours of operation), and a detailed security plan as described in this section.

3. Security and Video Surveillance

- a. The facility shall provide adequate security, including interior/exterior lighting, video surveillance, and secure/locked storage for products and money.

** See Definitions (Chapter 19-01) for terms in italics **

- b. Each area of the facility shall be under live and recorded video surveillance.
- c. Deliveries shall occur within a secured area of the facility.
- d. The recordings must be maintained a minimum of 30 days, or as directed by the Wheeling Police Department.
- 4. Signage, Advertising, and Packaging
 - a. Signage shall be designed and displayed in accordance with the requirements of Title 21, Signs, except as specifically described in this section.
 - b. Electronic message boards shall not be permitted.
 - c. Signs shall not include graphic representations of the cannabis plant or drug paraphernalia.
 - d. Sign content may reference medical cannabis but shall not display slang terminology commonly associated with illegal cannabis, including, but not limited to: weed, pot, joint, trees, skunk, herb, etc.
 - e. The facility shall display conspicuous signage indicating that “Entry onto the premises is restricted to cardholders, designated caregivers, and staff. Persons under the age of 18 are prohibited from entering.”
 - f. The facility shall display conspicuous signage in the parking area and within the building indicating that the premises is under video surveillance.
 - g. Packaging provided by the dispensary shall be opaque and not include identifying text or graphics.

N. Medical Cannabis Cultivation Center

- 1. General regulations
 - a. *Medical Cannabis Cultivation Centers* shall require Special Use review and licensing by the State of Illinois Department of Agriculture.
 - b. All regulations established by the Department of Agriculture subsequent to the effective date of this Title shall apply.
- 2. Regulations
 - a. Such facilities shall have the parking requirement of the combination of the interior uses (manufacturing, office, storage).
 - b. A licensed cultivation center shall not be established except as provided for within in the Compassionate Use of Medical Cannabis Pilot Program Act (State of Illinois Public Act 098-0122).
 - c. Signage shall be subject to the regulations of Title 21, Signs.
 - d. The plan submittal for Special Use review shall clearly demonstrate compliance with each aspect of the State controlling legislation.

19.10.070 Accessory Uses, Buildings and Structures

A. General Provisions

- 1. Number Limited

There shall be no more than one *accessory building* per lot in R-1, R-1A, R-2, R-3 and R-3A zoning districts in addition to an attached or detached *private garage*. *Storage garages* are not permitted in the R-1, R-1A, R-2, R-3 and R-3A zoning districts.
- 2. Location on Lot

No *accessory building* shall be located within:

 - a. The required *front yard* for all districts.

** See Definitions (Chapter 19-01) for terms in italics **

- b. Six (6) feet of an interior *side lot line* and six (6) feet of a *rear lot line* in all residential districts
 - c. The *required yards* in all industrial districts
 - d. Twenty-five (25) feet of a *street right-of-way*.
3. Attachment of *Accessory Buildings* and structures to *Principal Buildings*
When *accessory buildings* and structures are attached to *principal buildings* by a breezeway, passageway, or similar means, they become part of the *principal building* and shall comply with all *lot coverage, setback, height*, and any other requirements for the *principal building*.
4. Distance Between *Accessory Buildings* and *Principal Buildings*
No *accessory building* shall be located closer than ten (10) feet to any *principal building*.
5. Limits on the Size and *Height* of *Accessory Buildings*
In no case shall an *accessory building* exceed the size or *height* of the principal *structure* on a given *lot*.
6. *Accessory buildings* in residential districts
Accessory buildings in residential districts shall not exceed 30% of the size of the rear yard with the exception that 528 square feet would be allowed if all other code requirements (setback etc.) can be met.
7. Design of *Accessory Buildings* over 120 square feet
Accessory buildings with over 120 square feet of *floor area* shall match the design of the *principal building* with regard to color, siding materials, roof materials, and roof pitch unless an exception is granted by prior review of the Plan Commission.
8. Temporary *Building During Construction*
No *accessory building* shall be constructed and occupied on any *lot* prior to the time of the completion of *construction* of the *principal building* to which it is an accessory. A temporary *building* used in conjunction with the *construction* work may be permitted during the period that the *principal building* is being constructed, and the *temporary use* of *accessory buildings* for sales offices and *dwelling unit* models may be permitted, provided that such temporary *building* shall be removed upon completion of the *construction* work.
9. Accessory Uses in Industrial Districts
Accessory uses in industrial zoning districts shall be limited to 10% of the floor area of the structure or 2,500 square feet, whichever is less.
10. Temporary storage containers in Residential Districts
Temporary storage containers up to eight feet wide by eight feet tall by sixteen feet long (8' x 8' x 16') may be permitted in residential districts for a maximum of 60 days. Temporary storage containers shall receive a permit from the Community Development Department following review by the Director of Community Development.
11. Donation Boxes
Donation boxes are prohibited in all zoning districts, unless the donation box is accessory to the principle use of the premises. To qualify as an approved accessory use, the donation box must be owned, maintained, and operated by the owner of the principle use. Minor site plan and appearance shall be required.

B. Fences and Screening

1. Compliance required

** See Definitions (Chapter 19-01) for terms in italics**

No *person*, firm or corporation shall erect or cause to be erected any *fence* or other *screening structure* unless it shall be in accordance with the provisions of this Chapter.

2. *Permit to erect fence required*

It is unlawful to erect any *fence* or other *screening structure* without first securing a *permit*. Applications for *permits* shall be made to the *Village Zoning Administrator* and shall specify the intended location, character and size of such *fence* or *structure*.

3. *Limitations*

- a. The location, nature and height of *fences* and *screening* shall be such that they will not hinder or discourage the appropriate development and *use* of adjacent land and *buildings*, and will not impair the value thereof.
- b. *Fences* and *screening* shall not interfere with the access of light or air to abutting properties.
- c. All *screening* over four (4) feet is prohibited within the vision triangle, as described Section 19.11.030, unless specifically permitted in this section.

4. *Measuring height of fences and screening*

Height of *screening* is measured from finished grade level.

5. *Permitted and prohibited fence and screening types*

- a. Stockade, wrought iron and picket *fences*, walls, shrubbery, hedges and earth berms are permitted in all districts.
- b. Barbed-wire fencing is prohibited in all non-industrial districts. It is permitted in industrial districts provided:
 - i. It is located a minimum of five (5) feet above ground level;
 - ii. It does not overhang any *lot lines*.
- c. Electrically charged *fences* are prohibited in all districts

6. *Exceptions for certain back yard fences and screening*

Whenever *rear or side lot lines* abut major highways or *roadways*, or other unusual circumstances exist, a special *permit* allowing *fences* and landscape screens not conforming to this Chapter may be issued by the *Village Zoning Administrator* to a height not exceeding eight (8) feet.

7. *Required fences and screening*

- a. *Daycare centers*
Outdoor play areas shall be *fenced* with a six (6) foot tall privacy *fence*.
- b. Areas used for the display of automobiles, trailers, trucks or other motor vehicles for sale or rental. Such areas shall be enclosed with a wall, *fence* or hedge not less than two (2) feet in height.
- c. *Outdoor storage*
All outside storage, except outside storage of aircraft and vehicles, shall be effectively *screened* year-round, by a wall, *fence* or densely planted compact hedge of a height adequate to *screen* the objects stored but not more than eight (8) feet in height.
- d. *Off-street loading*
All loading berths and off-*street* access shall be effectively *screened* year-round, on each side that adjoins any property situated in a residential district, by a wall, *fence* or densely planted compact hedge not less than five (5) feet nor more than six (6) feet in height.

8. *Residential fences and screening, height and location limited*

In all residential districts and residential *uses* in mixed-*use* districts, the following restrictions are applicable in addition to those found elsewhere in this Chapter.

** See Definitions (Chapter 19-01) for terms in italics **

- a. Visually open, decorative *screening* may be constructed, placed and maintained:
 - i. Within the *front yard setback* area at a height not to exceed four (4) feet above the finished grade level of the ground, provided that it shall be located a minimum of one foot behind the front property line.
 - ii. Along the *side lot lines* from a point located one foot behind the front property line extending to the *front yard setback* line at a height not to exceed four (4) feet above the finished grade level of the ground.
 - iii. Along the *side lot lines* from the *front yard setback* line to the rear property line at a height not to exceed six (6) feet above the finished grade level of the ground.
 - iv. Along the rear property line from side property line to side property line, at a height not to exceed six (6) feet above the finished grade level of the ground.
- b. Opaque fencing and landscape screens. Any *screening* that interrupts vision, such as but not limited to stockade *screening*, chain-link *screening* with inserts, and all walls, shrubbery and hedges may be constructed, placed and maintained as described in this section. All landscaping shall be located such that the plant material maintains a one foot (1.0') setback at maturity. Fencing and landscape screens shall not obstruct sight lines at intersections and driveways. Opaque fences and landscape screening shall be visually open between a height of three feet (3.0') and seven feet (7.0') above grade when placed inside the *vision triangle* as described in Section 19.11.030.
 - i. Within the *front yard setback* area at a height not to exceed four (4) feet above the finished grade level of the ground, provided that it shall be located a minimum of one foot behind the front property line.
 - ii. Along the *side lot lines* from a point located one foot behind the front property line extending to the *front yard setback* line at a height not to exceed four (4) feet above the finished grade level of the ground.
 - iii. Along the *side lot lines* from the *front yard setback* line to the rear property line at a height not to exceed six (6) feet above the finished grade level of the ground.
 - iv. Along the rear property line from side property line to side property line, at a height not to exceed six (6) feet above the finished grade level of the ground.
9. Except in single-family zoning districts, all new fences and screening determined by the Zoning Administrator to be in a visible location shall be subject, at minimum, to minor site plan and appearance review by the Plan Commission. The Plan Commission shall consider the location of the proposed screening and the character of the area when determining whether the screening is appropriate.

C. Smoking Shelters

1. Smoking shelters are permitted only in Industrial, Commercial, and Mixed-Use Districts. The shelters shall only be permitted as accessory to non-residential and non-retail establishments.
2. Minor site plan and appearance review by the Plan Commission shall be required per the regulations of the particular zoning district in which the shelter is proposed.
3. A building permit shall be required prior to construction of a smoking shelter. Maintenance of the shelter shall be the responsibility of the property owner.
4. The shelter and any heating or light elements incorporated in the shelter shall comply with all applicable building and fire code regulations.
5. The smoking shelter shall be a minimum of fifteen feet (15') from any entry door, operable window, outdoor eating area, and air intake that serves as enclosed area where smoking is prohibited.

** See Definitions (Chapter 19-01) for terms in italics **

6. The smoking shelter shall either be constructed with transparent glazing or designed to blend with the architecture of the principal building. Fixed-frame windscreens (not including vinyl tents and plastic sheeting) may be permitted subject to appearance review and fire code regulations.
7. The smoking shelter shall have at least one open side. The other sides may be enclosed or semi-enclosed.
8. Interior furnishings such as chairs and televisions are prohibited, with the exception that fixed seating shall be allowed. A minimum of one approved ashtray or disposal device is required.
9. Food, alcoholic beverages, and entertainment shall be prohibited.

19.10.080 Performance Standards for All Uses in All Districts

A. Prohibited Uses

No *lot*, parcel or tract of land shall be used and no *building* or *structure* shall be erected, altered or remodeled for any of the following *uses*: Abattoirs; arsenals; crematories; creosote treatment or manufacture; fat rendering; fertilizer manufacture, fireworks or explosive manufacture or storage; dumping; ore reduction; petroleum processing or refining; pyroxylin manufacture or treatment; salt works; sauerkraut manufacture; soap manufacture; smelters; stockyards or slaughter of animals or fowl; tallow, grease, or lard manufacture or treatment; tanning, curing or storage of rawhides or skins; tar distillation or manufacture.

B. Restrictions on Utilization, Manufacture, and Storage of Explosives

No activities involving the storage, utilization or manufacture of materials or products which decompose by detonation shall be permitted, except such as are specifically licensed by the *Village* of Wheeling, or are used as customarily incidental to the operation of a *principal use* in such quantities and in a manner conforming with applicable performance standards set forth hereafter. Such materials shall include, but shall not be confined to, all primary explosives such as lead azide, lead styphnate, fulminates and tetracene; all high explosives such as TNT, RDX, HMX, PETN, and picric acid; propellants and components thereof such as nitrocellulose, black powder, boren hydrides, hydrazine and its derivatives; pyrotechnics and fireworks such as magnesium powder; potassium chlorate and potassium nitrate; blasting explosives such as dynamite and nitroglycerine; unstable organic compounds such as acetylides, tetrazoles, perchloric acid, perchlorates, chlorates, hydrogen peroxide in concentration greater than thirty-five percent (35%); and nuclear fuels, fissionable materials and products and reactor elements such as Uranium 235 and Plutonium.

C. Enclosed buildings

All activities involving the manufacturing, fabricating, assembly, disassembly, repairing, cleaning, servicing and testing of materials, products and goods shall be within completely enclosed *buildings*.

D. Conformance

Any *use* which involves the manufacturing, fabricating, assembly, disassembly, repairing, storing, cleaning, servicing or testing of materials, goods or products, shall be operated in such a manner as to comply with applicable performance standards as hereinafter set forth governing noise, smoke, *particulate matter*, *toxic* or *noxious matter*, odors, fire and explosive hazards, or *vibration*, or glare or heat for the district in which such *use* shall be located; and no *use* already established on the effective date of the ordinance codified in this Title shall be so altered or modified as to conflict with, or further conflict with, such applicable performance standards for the district in which such *use* is located.

**** See Definitions (Chapter 19-01) for terms in italics ****

E. Performance Standards - Noise

Sound levels shall be measured with a sound level meter and associated octave band filter manufactured according to standards prescribed by the American Standards Association. Measurements shall be made using the flat network of the sound level meter. Impulsive-type noises shall be subject to the performance standards hereinafter prescribed provided that such noises shall be capable of being accurately measured with such equipment. Noises capable of being measured, for the purpose of this Title, shall be those noises which cause rapid fluctuations of the needle of the sound level meter, with a variation of not more than plus or minus two (2) decibels. Noises incapable of being so measured, such as those of an irregular and intermittent nature, shall be controlled so as not to become a nuisance to adjacent *uses*. At no point on the boundary of a residential or *business* district shall the sound intensity level of any individual operation or plant (other than the operation of motor vehicles or other transportation facilities) exceed the decibel levels in the designated octave bands shown on the following table:

OCTAVE BAND <i>Frequency, cycles per second</i>	MAXIMUM PERMITTED SOUND LEVEL (decibels)	
	<i>Along Resident District Boundaries</i>	<i>Along Business District Boundaries</i>
0 to 75	72	75
75 to 150	67	70
150 to 300	59	63
300 to 600	52	57
600 to 1200	46	52
1200 to 2400	40	45
2400 to 4800	34	40
Above 4800	32	38

F. Performance Standards - Smoke and Particulate Matter

1. Generally

The emission of smoke or *particulate matter* in such manner or quantity as to endanger or to be detrimental to the public health, safety, comfort or welfare, is declared to be a public nuisance and shall henceforth be unlawful.

2. *Density* Restrictions

For the purpose of grading the *density* of smoke, the Ringelmann Chart, published and used by the United States Bureau of Mines, shall be employed. The emission of smoke or *particulate matter* of a *density* greater than No. 2 on the Ringelmann Chart is prohibited at all times, except as otherwise provided hereinafter.

3. Size and Percentage of *Particulate Matter*

The emission from all sources within any *lot area* of *particulate matter* containing more than ten percent (10%) by weight or particles having a particle diameter larger than forty-four (44) microns is prohibited.

4. Dust

Dust and other types of air pollution, borne by the wind from such sources as storage areas, yards, roads and the like, within *lot* boundaries, shall be kept to a minimum by appropriate private landscaping, paving, oiling, fencing or other acceptable means. Emission of *particulate matter* from such sources in excess of the weight limitation herein specified is prohibited.

5. Smoke

**** See Definitions (Chapter 19-01) for terms in italics ****

The emission of more than eight (8) smoke units per hour per stack is prohibited, including smoke of a *density* in excess of Ringelmann No. 2. However, during a one hour period in each twenty-four (24) hour day, each stack may emit up to sixteen (16) smoke units when blowing soot or cleaning fires. Only during fire-cleaning periods, however, shall smoke of Ringelmann No. 3 be permitted, and then for not more than three (3) minutes.

G. Performance Standards - Toxic or Noxious Matter

No *use* shall, for any period of time, discharge across the boundaries of the *lot* wherein it is located *toxic* or *noxious matter* in such concentration as to be detrimental to, or endanger, the public health, safety, comfort or welfare, or cause injury or damage to property or *business*.

H. Performance Standards - Odors

The emission of odorous matter is such quantity as to be readily detectable at any point along *lot lines*, or as to produce a public nuisance or hazard beyond *lot lines*, is prohibited.

I. Performance Standards - Fire and Explosion Hazard

1. When Permitted

The storage, utilization or manufacture of material or products, ranging from incombustible to moderate burning - as determined for liquids by a closed cup flashpoint of not less than 187 degrees Fahrenheit - is permitted, subject to compliance with all other performance standards for the industrial districts.

2. Conditions for Permitting Active to intense burning materials

The storage, utilization or manufacture of materials or products ranging from free or active burning to intense burning - as determined for liquids by a closed cup flashpoint of less than 187 degrees Fahrenheit - is permitted, subject to compliance with all other performance standards for the industrial districts, and provided the following conditions are met:

- a. Said materials or products shall be stored, utilized or produced within completely enclosed *buildings* or storage *structure* having incombustible exterior walls; and
- b. All such *buildings* or *structures* shall be *setback* at least forty (40) feet from *lot lines*, or in lieu thereof, all such *buildings* or *structures* shall be protected throughout by an automatic sprinkler system complying with installation standards prescribed by the National Fire Protection Association; or if the materials, goods or products are liquid, the protection thereof shall be in conformity with the standards prescribed by the National Fire Association.

3. Conditions for Permitting Flammable Vapors

The utilization in manufacturing processes of materials which produce flammable or explosive vapors or gases - as determined for liquids by a closed cup flashpoint of less than 105 degrees Fahrenheit - shall be permitted, provided:

- a. That the final manufactured product does not itself have a closed cup flashpoint of less than 187 degrees Fahrenheit;
- b. That the *use* and storage of such materials shall be in conformity with standards prescribed by the National Fire Protection Association and the requirements of the Building and Fire Ordinances of the *Village*;
- c. That the storage of more than 50,000 gallons of materials or products having a closed cup flashpoint of less than 105 degrees Fahrenheit (exclusive of storage of finished products in original sealed containers) is prohibited.

J. Performance Standards - Vibration

** See Definitions (Chapter 19-01) for terms in italics**

No operation or activity (except those not under the direct control of the manufacturer) shall cause at any time ground-transmitted *vibrations* in excess of the limits set forth below. *Vibration* (the periodic displacement, measured in inches of earth) shall be measured at any point along a residential district boundary line with a three (3)-component measuring instrument approved by the Board of Trustees, and shall be expressed as displacement in inches.

Frequency (cycles per second)	Maximum Permitted Displacement Along Residential District Boundaries (in inches)
0 to 10	.0008
10 to 20	.0005
20 to 30	.0002
30 to 40	.0002
40 and over	.0001

K. Performance Standards - Glare or Heat

Any operation producing intense glare or heat shall be performed within a completely enclosed *building* in such manner as not to create a public nuisance or hazard along *lot lines*.

CHAPTER 19-11 GENERAL DEVELOPMENT STANDARDS

19.11.010 *Off-Street Parking and Loading*

A. Statement of Intent

Off-street parking and loading regulations are intended to provide orderly, safe and aesthetically pleasing parking and loading areas sufficient to serve the minimum needs of all permitted and *special uses* within the *Village*; so designed in conjunction with non-vehicular access to properties and other site design considerations.

B. General Provisions

1. Parking and Access Required

- a. In all districts and in connection with every *use*, there shall be provided, at the time any *use* is erected, enlarged, extended or increased, *off-street parking* stalls for all vehicles in accordance with the provisions of this section; except when the Plan Commission waives the requirement for *off-street parking* where adequate *on-street parking* is readily available to a *use* or *uses*.
- b. Minimum requirements are set forth in this Section.
- c. Adequate access to a public *street* shall be provided for each parking space.
- d. All parking shall provide safe routes for pedestrians to walk between their vehicle and their intended destination.

2. Procedures

All *parking lots* for projects requiring site plan review shall be reviewed and approved by the Plan Commission. The *Zoning Administrator* shall have the discretion to refer other *parking lots* for review and approval prior to issuance of a *permit* for their *construction*. The *parking lot* site plan shall be prepared in accordance with adopted site plan guidelines, and shall include:

- a. Full photometric plan to illustrate proposed lighting design and levels.
- b. Grading, drainage and water quality information.
- c. Proposed landscaping features, indicating the location, size and species of proposed landscaping. Existing trees and landscaping are to be retained.
- d. The *parking lot* site plan requirements under this section may be incorporated into a master site plan for initial approval of a project.

3. Utilization

Required accessory *off-street parking* facilities provided for *uses* hereinafter listed shall be solely for the parking of vehicles of patrons, occupants or employees of such *uses*; except where shared parking is allowed under this Section.

4. Changes in Occupancy/Use

- a. When the *use* of a *building*, *structure* or land is changed to another *use* or occupant, additional parking spaces shall be constructed for the new *use* or occupant sufficient to conform to this Section.
- b. If a *building* or *structure* was erected prior to the effective date of this Title additional parking or loading facilities are mandatory only in the amount by which the requirements for the new *use* exceed those for the existing *use*.
- c. Where, due to site constraints, it is not possible to provide sufficient parking to meet the requirements stated above for changes in occupancy or *use*, the *applicant* shall

**** See Definitions (Chapter 19-01) for terms in italics ****

demonstrate a good faith effort to do so. The Plan Commission, at its discretion, may grant an exception in such cases.

5. Application to Existing *Lots*

Application of these improvement standards to existing *parking lots* may be subject to adjustments relative to the shape and size of the existing *lot* and other existing conditions.

6. *Similar Use Determination*

In the case of *uses* not specifically enumerated, the number of spaces specified as the general standard for the *use* class or number of spaces specified for *similar uses* shall apply. The *Zoning Administrator* shall be authorized to make a preliminary determination and has the discretion to refer any such requests for Plan Commission determination.

7. Repair and Service

No *motor vehicle repair* work or service of any kind shall be permitted in association with any *off-street parking* facilities. In case of conflict with any other ordinances of the *Village*, the provisions of the amendatory ordinance codified in this Section shall prevail and supersede to the extent of such conflict or inconsistency.

C. Parking Design

All *off-street parking* shall conform to the minimum design standards of this Section.

1. Location Proximity, and *Setbacks*

- a. Required parking spaces shall be located on the same *lot* as the *principal use*, or not more than 400 feet from a *principal use* provided the property is owned by the same entity, except with shared parking or a Mixed Use District
- b. No vehicle *use* area shall be located in any required greenspace, except that *driveways* may cross at as close to a ninety (90) degree angle as is reasonably practicable.
- c. For the purpose of permitting circulation between adjacent and/or shared *off-street parking* areas, *driveways* may cross required greenspace.
- d. Parking shall conform to the minimum *setbacks* as required in each zoning district.

2. Lighting

Any lighting used to illuminate *off-street parking* areas shall be directed away from residential properties in such a way as not to interfere with residential *uses*, and shall conform to the lighting standards of 19.11.040.

3. Bicycle Parking

All new *uses* and *off-street parking lots* shall provide bicycle parking facilities, such as bike racks, in accordance with the provisions of this Title.

4. Curbing Required

- a. On-site concrete curbing and gutter for parking and access shall be required in all *new developments* except in single-family and two-family developments. Concrete curb and gutter shall be either barrier or depressed curb, in accordance with Illinois Department of Transportation Standard 2130, or meeting the approval of the *Village Engineer*. All workmanship and materials shall meet the requirements of Illinois Department of Transportation's Standard Specification for Road and Bridge *Construction*.
- b. When the *use* of a *building*, *structure* or land is changed to another *use* or occupant; or the *building* or *structure* is expanded causing an expansion of parking, the Plan Commission, at its discretion, may grant an exception for the requirement of concrete curb and gutter where, due to site constraints, it is not possible to provide concrete curb and gutter.

** See Definitions (Chapter 19-01) for terms in italics **

5. Parking Lot Surfacing

All open *off-street parking* shall have adequate drainage and be paved according to the minimum pavement types listed below:

- a. Minimum Pavement Types for Parking Areas in Commercial, *Business*, Industrial and *Mixed Use* Areas.

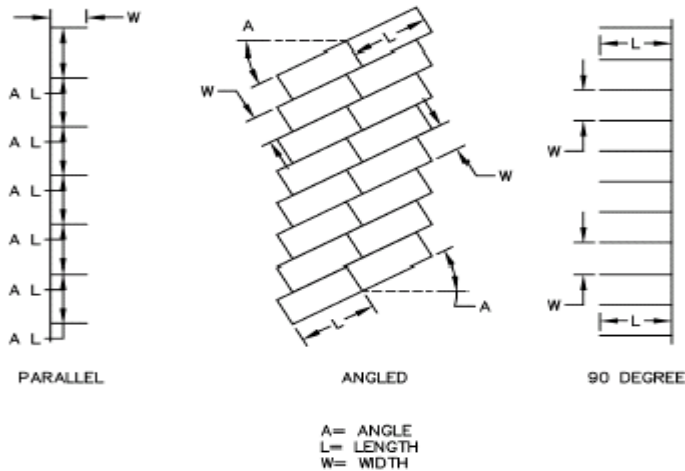
Portland Cement Concrete	Paving and base material installation shall conform to <i>Village of Wheeling</i> standards
Bituminous Aggregate Mixture	Paving and base material installation shall conform to <i>Village of Wheeling</i> standards
Aggregate Base	Paving and base material installation shall conform to <i>Village of Wheeling</i> standards
Or equal <i>construction</i> , as approved by the Director of Public Works	

- b. Minimum Pavement Types for *Driveways* and Parking Areas in Residential Districts

Portland Cement Concrete	Paving and base material installation shall conform to <i>Village of Wheeling</i> standards
Bituminous Aggregate Mixture	Paving and base material installation shall conform to <i>Village of Wheeling</i> standards
Or equal <i>construction</i> , as approved by the Director of Public Works	

6. Size of Parking Space

Figure 25: Measurement of Minimum Size of Parking Spaces



All *off-street parking* spaces shall conform to the minimum standards of Table 19.11.010(c)(6).

**** See Definitions (Chapter 19-01) for terms in italics****

Table 19.11.010(c)(6): Minimum Size of Parking Spaces

	Parallel Spaces	45 Degree Angle Spaces	60 Degree Angle Spaces	90 Degree Angle Spaces
Length	20 feet	16.5 feet	17.5 feet	18.5 feet
Width	10 feet	10 feet	9.5 feet	9.0 feet

7. Minimum Width of *Off-Street Parking Rows and Aisles*.

- a. The design of all *off-street parking* regulated by this Title shall be in conformance with the requirements set forth in Table 19.11.010(c)(7)(a). For any angle not shown in the table, the width requirement shall be established via calculation of a ratio compared to the angles shown.

Table 19.11.010(c)(7)(a): Minimum Width of Off-Street Parking Rows and Aisles

Type of Row	Parallel Spaces	*45 Degree Angle Spaces	*60 Degree Angle Spaces	90 Degree Angle Spaces
Single Row & Aisle	20 feet	35 feet	40 feet	45 feet
Double Row & Aisle	28 feet	58 feet	60 feet	62 feet

*For angled parking, rows with entrance to the spaces on both sides of the row from the same direction, if approach in opposite directions

- b. In accessory parking *structures* housing more than 500 vehicles, the minimum double row and aisle width for ninety (90) degree spaces shall be sixty (60) feet.
 - c. Notwithstanding the standards of Table 19.11.010(c)(7)(a), parking for *use* by disabled *persons* must be provided in accordance with all applicable *state* and federal codes.
8. Landscaping Requirements for *Off-street Parking Areas*

There are both interior and perimeter *buffer* landscape requirements for all *off-street parking lots* and their associated vehicular *use* areas in the *Village*, with the exception of those infill and *redevelopment* projects that have been granted an exception by the Plan Commission.

a. Required Trees for Parking Lot Perimeter and Interior Applications

- i. Shade or ornamental trees are required within the vehicular *use* area at a ratio of one tree for every fifteen (15) parking spaces or fraction thereof, unless the Plan Commission grants an exception. The trees must be evenly distributed throughout the vehicular *use* area.
- ii. Where a landscape border or other landscape area abuts the vehicular *use* area, shade or ornamental trees within those landscaped areas may count toward the vehicular *use* area requirement, provided:
 - (a) The trees are located within ten (10) feet of the vehicular *use* area.
 - (b) The number of trees that are provided within the vehicular *use* area is not reduced by more than fifty percent (50%) of the amount required; and
 - (c) There is a minimum of one tree provided within the vehicular *use* area.
- iii. Trees shall be planted in such a way that they are protected from vehicle damage.
- iv. Existing trees of desirable species and quality that can be preserved, where grading does not cut them off from a reasonable supply of water and where the area under the

**** See Definitions (Chapter 19-01) for terms in italics****

canopy remains undisturbed, shall count toward the tree requirements for *off-street parking* areas on a tree-for-tree basis.

b. Interior Landscaping for *Off-street Parking* Areas

The interior parking lot landscaping standards of this section shall apply to all *off-street parking* lots and their vehicular *use* areas containing forty (40) or more parking spaces. The intent of this section is to require landscaping within vehicular *use* areas; therefore, landscaping *screens*, planting strips and landscaping surrounding *buildings* shall not be considered as interior landscaping.

- i. A minimum of twenty (20) square feet of interior *landscaped island* or *landscaped peninsula* shall be provided per parking stall.
- ii. The interior landscaping shall be provided within *landscaped islands* with a minimum area of 200 square feet and peninsulas with a minimum area of 100 square feet (measured inside curbs). The landscaped areas must be underlain by soil (not base course material), and shall be protected by curbing. The minimum width of these features shall be 5 feet (inside curbs).
- iii. The interior landscaping shall be placed so as to delineate driving lanes, define rows and generally mitigate the visual impact of the parking lot.
- iv. The interior landscaping shall be composed of a combination of hardy trees, shrubs, perennials, and groundcover that are able to tolerate winter salt and soot, and are underlain by a layer of decorative mulch and weed barrier where applicable. Where *islands* are used as retention/infiltration areas for storm water management, they should be landscaped appropriately for that purpose.
- v. To ensure a diversity of color, texture, and multi-seasonal interest, the total number of proposed plants shall be comprised of a minimum of twenty-five percent (25%) evergreens, with a maximum of seventy percent (70%).
- vi. The interior landscaping shall not exceed thirty (30) inches in height at maturity when located within an identified *vision triangle*.
- vii. *Landscaped islands* or *landscaped peninsulas* that function as storm water retention/infiltration areas shall be subject to the following:
 - (a) Shall be a minimum of fifteen (15) feet in width if used for this purpose.
 - (b) Parking areas will sheet drain into the *islands* through curb cuts or other apertures.
 - (c) Proposed plantings shall be tolerant of flood conditions.

c. *Screening* for *Off-street Parking* Areas

The perimeter parking lot *screening* standards of this section shall apply to all *off-street parking* areas for six (6) or more vehicles or larger than 2,000 square feet in area.

- i. On-site perimeter greenbelts at least eight (8) feet in width shall be installed along any *street frontage* and six (6) feet along all interior *lot lines*. The *street frontage* shall contain dense landscape *screening* which provides plantings at least eighteen (18) inches high at planting and thirty (30) inches high at maturity. This greenbelt may overlap greenbelts and *bufferyards* required under Section 19.11.020.
- ii. Perimeter landscaping shall provide a semi-opaque *screen* at a minimum during the winter season.
- iii. Perimeter planting areas shall be designed to maintain and protect visibility at *driveways* and access points.
- iv. Berms may be utilized as part of the perimeter landscaping.
- v. *Off-street parking* areas, including aisles and *driveways*, shall be effectively *screened* year round, on each side of any *off-street parking* lot for six (6) or more vehicles that adjoins any property used for residential purposes or situated in a residential district,

by a wall, *fence* or densely planted compact hedge not less than five (5) feet nor more than six (6) feet in height.

D. Quantity of Parking

1. Parking Lot size may be limited

It is the *Village's* intent to enhance storm water management by limiting excessive *impervious surface*, therefore, parking lots in which the number of spaces significantly exceeds the minimum number required under this zoning ordinance shall be allowed only with specific and reasonable justification.

2. Maximum amount of parking established

- a. Parking shall be limited to the following maximums with the intent of reducing *impervious surfaces* not needed for parking for *uses* on the site, to reduce flooding and increase greenspace for infiltration.

Minimum Number of Required Parking Spaces	Maximum Percentage Increase Allowed over Required Parking
5 to 99	120%
100 to 249	115%
250 to 499	110%
Over 500	105%

- b. When a parking *structure* is provided, the maximum percentage increase allowed may be exceeded if the existence of the *parking structure* reduces *impervious surface* by fifty percent (50%) over what would be the case without a *parking structure*.

3. Potential parking reductions

- a. Shared Parking. The Plan Commission and *Village* Board may authorize as much as a forty percent (40%) reduction in the area to be paved for non-residential *off-street parking* stalls when parking is shared by two (2) or more properties under separate ownership provided that the uses have peak demand at different times and safe pedestrian connections are provided. A written shared parking agreement, signed by all parties, shall be approved by a Resolution of the Village Board, following receipt of Plan Commission recommendations. The agreement shall state a minimum time frame for the agreement to be in effect; provide for ingress/egress easements; and be recorded with the Recorder of Deeds for Cook or Lake County as a covenant.

- b. Shopping Center Parking Reductions. For single-use shopping centers, please see the parking table [Table 19.11.010(E)1(c)] for required parking. For shopping centers under a single owner or manager that have at least three (3) tenant spaces, the following reduction can be authorized by ordinance of the Village Board during site plan approval or special use approval:

- (i) For shopping centers with a total leasable area of 40,000 square feet or greater, the parking requirement for each use may be reduced by 15%, provided that the overall ratio for the shopping center is greater than or equal to 3.75 stalls per 1000 sq ft of floor area.
- (ii) For shopping centers with a total leasable area of 60,000 square feet or greater, the parking requirement for each use may be reduced by 25%, provided that the overall

ratio for the shopping center is greater than or equal to 3.6 stalls per 1000 sq ft of floor area.

c. Land-Banking of Reserved Parking Area

When a parking reduction has been authorized, the Plan Commission and *Village* Board may require that sufficient area on the property be held in reserve for the potential future development of paved *off-street parking* to meet the full requirements. When required, this reserve *off-street parking* area shall be shown and noted on the site plan, maintained as *open space*, and developed with paved *off-street parking* spaces when the *Village* determines that such *off-street parking* is necessary due to parking demand on the property which exceeds original expectations. The reserve parking area may not be counted as part of any required green space area. The *Village* may require that a letter of credit or other approved financial surety be provided at the time of *permit* issuance in an amount not to exceed 125% of the estimated cost of parking lot completion, to be exercised at *Village* discretion, should the need for parking lot completion be determined. A land banking agreement shall require approval by Resolution of the Village Board, and shall be recorded with the Recorder of Deeds for Cook or Lake County as a covenant.

E. Parking Standards

1. Minimum Required Parking per Land Use Category.

The following table, 19.11.010(E)(1)(c), describes the minimum number of *off-street parking* spaces required for each specified *use* and any *uses* deemed to be similar. The table describes the required ratio of parking spaces to building size or tenant space; any fractional parking space is to be rounded up to the nearest whole number. Parking requirements are based on the gross square footage of the building or unit. The requirements apply in all zoning districts and for all *uses* in the *Village* of Wheeling with the following exceptions:

- a. Infill and *Redevelopment* Projects. For infill and *redevelopment* projects parking shall be provided to meet these requirements where feasible, however it is recognized that there may be limitations on the availability of parking area due to existing *lot* sizes and development patterns, and the Plan Commission is authorized to grant exceptions in such cases when good cause is shown.
- b. Unified *Shopping Centers*. In Unified *Shopping Centers* over 10,000 square feet in total area, with three (3) or more separate *businesses*, the Plan Commission and *Village* board may allow a general parking standard of one space per 250 square feet, even if any individual *use(s)* may require a more intensive parking standard.

Table 19.11.010(E)(1)(c)

LAND USE	MINIMUM PARKING REQUIREMENTS**
Residential Uses	
General Residential	
Single-family and two-family	Two garaged spaces per <i>dwelling unit</i> and two additional spaces per <i>dwelling unit</i>
Multi-family, town home	4.0 spaces per unit of which 2.0 must be garaged. Additional unassigned visitor parking must be provided at a ratio of 0.4 per unit. Required visitor parking must be off-street, separate from the parking pads, and evenly distributed throughout the site.
Multi-family, other	1.7 spaces per unit (up to 1 bedroom), 2.2 spaces per unit (2 or more bedrooms, and 5 unreserved visitor spaces. A minimum of 1.0 per unit must be covered. Minimum unreserved visitor parking shall be 10% the total required above, but not less than 5. See sample calculations in Table 19.11.010(E)(1)(d) below.
Senior housing	One space per <i>bedroom</i> , one unassigned guest space per every three units, and one space per employee*. Of this total, garaged spaces must be provided in an amount equal to 0.5 garaged spaces per <i>dwelling unit</i>
Specialized Residential	
Group living arrangements and Daycare Homes	As required by type of <i>Dwelling Unit</i> . If not specified, to be determined by Plan Commission
Rooming houses, dormitories, fraternities, sororities	One space per bed
Convent, rectory or monastery	One space per bed, unless otherwise determined by Plan Commission
Educational Uses	
Schools: Elementary or Middle School (Public or Private)	One space for every five students at maximum enrollment, plus one space per employee
Schools: Senior High (Public or Private)	One space for every two students at maximum enrollment, plus one space per employee
Colleges, Junior Colleges, or Universities (Public or Private)	One space for each two students on campus during the highest attendance period, and one space per employee*
Daycare center other than family daycare homes	2 spaces per 1,000 sq ft, plus one space per employee*
School: Specialty or Personal Instruction	One space for each employee, one space for every three students at peak attendance, and one space for every three chairs in the waiting room.
Community Serving Uses	
Community Center	6 spaces per 1,000 sq ft
Cultural Institution	4 spaces per 1,000 sq ft, plus one space per employee*
Library	4 spaces per 1,000 sq ft, plus one space per employee*
Religious Assembly	One space per three seats based on the maximum capacity of the facility

* means "per employee for the work shift with the largest number of employees"

**A mix of *uses* within a *building* will have required parking weighted by square footage for each *use*

**** See Definitions (Chapter 19-01) for terms in italics ****

Table 19.11.010(E)(1)(c) (continued)

LAND USE	MINIMUM PARKING REQUIREMENTS**
Commercial and Office Uses	
<i>Bank or other financial institution</i>	3 spaces per 1,000 sq ft, plus one space per employee*
<i>Currency exchange, payday loan agency or title loan agency</i>	6 spaces per 1,000 sq ft, plus one space per employee*
<i>Garden supply or landscaping center</i>	4 spaces per 1,000 sq ft of indoor sales/service, plus one space per 1,000 sq ft of greenhouse or outdoor sales and display area, plus one space per employee*
<i>Office, General and Government</i>	4 spaces per 1,000 sq ft
<i>Retail Establishment, General</i>	4 spaces per 1,000 sq ft, (for Retail Establishments, under 20,000 sq. ft. in size) 3.75 per 1,000 sq ft plus one per employee** (for retail establishments 20,000 sq ft or over)
<i>Shopping Center, speculative</i>	5.5 spaces per 1,000 sq ft (for all tenant spaces without a specified use at the time of original site plan approval)
Health Care and Social Assistance Uses	
<i>Medical Offices and Health Clinics</i>	2 spaces per exam room, and one space per employee*
<i>Nursing Home</i>	One space per three patient beds, and one space per employee*
Service Uses	
<i>Building Maintenance Service</i>	3 spaces per 1,000 sq ft
<i>Business Service</i>	3 spaces per 1,000 sq ft
<i>Catering Service</i>	3 spaces per 1,000 sq ft
<i>Dry Cleaning Establishment</i>	6 spaces per 1,000 sq ft of customer service area
<i>Funeral Home</i>	One space for each three patrons at maximum capacity and one space for each staff or 25 spaces per chapel unit, whichever is greater
<i>Furniture and Appliance Rental and Leasing</i>	3 spaces per 1,000 sq ft
<i>Household Maintenance and Repair Service</i>	3 spaces per 1,000 sq ft
<i>Laundromat</i>	6 spaces per 1,000 sq ft
<i>Personal Service Establishment</i>	6 spaces per 1,000 sq ft
<i>Tool/Equipment Rental Facility</i>	6 spaces per 1,000 sq ft of customer service area
<i>Animal Boarding (kennel area)</i>	3 space per 1,000 sq ft
<i>Animal Facility (office area)</i>	4 spaces per 1,000 sq ft
<i>Animal Grooming/Training (non-kennel area)</i>	4 spaces per 1,000 sq ft
<i>Animal Hospital or Clinic</i>	5 spaces per 1,000 sq ft

* means "per employee for the work shift with the largest number of employees"

**A mix of *uses* within a *building* will have required parking weighted by square footage for each *use*

**** See Definitions (Chapter 19-01) for terms in italics****

Table 19.11.010(E)(1)(c) (continued)

LAND USE	MINIMUM PARKING REQUIREMENTS**
Motor Vehicle Uses	
<i>Gas Station</i>	6 spaces per 1,000 sq ft, plus one space per employee*
Body Shop	6 spaces per 1,000 sq ft, plus one space per employee*
Oil Change Facility	One space per employee*, plus stacking space for 2 cars per lane going in
Repair Facility	6 spaces per 1,000 sq ft, plus one space per employee*
Sales or Rental Facility, retail and limited wholesale	6 spaces per 1,000 sq ft, plus one space per employee*
<i>Car Wash</i> , automatic	One space per employee*, plus stacking space for six cars going in and four cars coming out
<i>Car Wash</i> , self service	One space per employee*, plus stacking space for two cars going in and four cars coming out
<i>Car Wash</i> , portering service	6 spaces per 1,000 sq ft, plus one space per employee*
Accommodation and Food Service Uses	
<i>Assembly Hall</i>	One space per three seats based on the maximum capacity of the facility, plus one space per employee*
<i>Bed and Breakfast</i>	One space per room or suite, plus one space per employee and/or owner-occupant*
<i>Hotel</i> , commercial and residential	One space per room or suite, plus one space per employee*, plus one space per three <i>persons</i> , based on the maximum capacity of all public meeting and/or banquet rooms
<i>Restaurant, Sit-down</i>	One space per every three seats plus one space for every 30 sq ft of standing or bar area, plus one space per employee.* Up to 15 outdoor seats allowed without providing parking, subject to 19.10.060 J Additional seats use indoor seating ratio and require special use review.
<i>Restaurant, Fast-food and Drive-through</i>	Same as for <i>sit-down restaurants</i> , plus stacking space for six vehicles per service lane
<i>Restaurant, Carry-out</i>	Same as for <i>sit-down restaurant</i> and <i>drive-through restaurant</i> (if drive-through is provided), plus five extra spaces for carry-out service if the restaurant requires less than 30 total parking spaces for the dining area and employees.
<i>Taverns</i>	One space per every three seats (one seat = 10 sq ft of gross dining area), plus one space per employee*
Entertainment and Recreation Uses	
Billiards	2 spaces per table
Bowling alleys	4 spaces per lane
<i>Clubs and Lodges</i>	One space per three seats based on maximum capacity, plus one space per employee*
<i>Entertainment Establishments, General and Adult</i>	One space per three seats, based on maximum capacity, plus one space per employee*
Golf Courses, general	4 spaces per hole, plus any spaces required for other <i>uses</i> which are a part of the facility
Golf Courses, mini	2 spaces per hole
Golf, driving ranges	One space per tee, plus one space per employee*
Health club	One space per 2 persons of capacity, plus one space per employee*

* means "per employee for the work shift with the largest number of employees"

**A mix of *uses* within a *building* will have required parking weighted by square footage for each *use*

**** See Definitions (Chapter 19-01) for terms in italics****

Table 19.11.010(E)(1)(c) (continued)

LAND USE	MINIMUM PARKING REQUIREMENTS**
Marina	As determined by the Plan Commission
<i>Sports or Recreation Facility, Indoor</i>	One space per three clients, based on maximum capacity, plus one space per employee*
<i>Sports or Recreation Facility, Outdoor</i>	<p>> 10 acres: 8 off-street parking spaces per each acre of active recreation (i.e. baseball fields, soccer fields, football fields, basketball courts, tennis courts, etc.) or 1 space per 12,000 sf of gross land area, which ever is more.</p> <p>1-10 acres: Same as above, but may be reduced by the Plan Commission based on availability of on-street parking and the nature of the facility (expected service area, practice fields vs. game fields, etc).</p> <p><1 acre: No off-street parking required.</p> <p>Swimming Pools: 1 off-street parking space for 8 persons based on the bather capacity.</p>
Storage, Recycling, and Wholesale Trade Uses	
Recycling	2 spaces per 1,000 sq ft
Storage, general	1 spaces per 1,000 sq ft
<i>Self Storage</i> facility	1 space per resident manager, 3 per leasing office, 1 per 100 units
Wholesale Trade, general	2 spaces per 1,000 sq ft
Transportation Uses	
Transportation <i>Uses</i> , general	As determined by the Plan Commission
Industrial Uses	The following requirements listed as a ratio per square foot may be reduced by 12.5 % for buildings \geq 50, 000 sq ft in size and by 25% for buildings \geq 80, 000 sq ft in size.
Industrial <i>Uses</i> , active	2 spaces per 1,000 sq ft
Industrial Use, Office	4 spaces per 1,000 sq ft
Processing or Recycling of Mined Materials	One space per employee*
Speculative Area	2 per 1,000 sq ft
Warehouse/storage	1 per 1,000 sq ft
Agricultural Uses	
Plant <i>Nursery</i> or Greenhouse	4 spaces per 1,000 sq ft of indoor sales/service, plus one space per 1,000 sq ft of greenhouse or outdoor sales and display area, plus one space per employee*
Utility and Public Service Uses	
Utility and Public Service <i>Uses</i> , general	One space per employee* and any other spaces as determined by Plan Commission or <i>Village Board</i>
Miscellaneous and Temporary Uses	
Drive-through service lanes	Stacking space for three vehicles per service lane, for all <i>uses</i> where not otherwise specified
Live Entertainment Special Event	To be determined at time of <i>permit</i> approval
Seasonal Market	One space per 1,000 sq ft of outdoor sales and display area, plus one space per employee*
Temporary Real Estate Sales Office	3 spaces per 1,000 sq ft
Other <i>temporary uses</i>	As determined by the Plan Commission or <i>Village Board</i>

* means "per employee for the work shift with the largest number of employees"

**A mix of *uses* within a *building* will have required parking weighted by square footage for each *use*

**** See Definitions (Chapter 19-01) for terms in italics****

Table 19.11.010(E)(1)(d) – Sample Parking Calculation for Multi-family Residential

Unit Type					Parking Calculation				Other Requirements	
0 BR	1 BR	2 BR	3 BR	Total	0-1 BR (1.7 per unit)	2+ BR (2.2 per unit)	Visitor	Total Required	Covered (1 per unit)	Unreserved (10% of total, 5 min.)
		6		6	0	13.2	5	19	6	5
	4	6	2	12	6.8	17.6	5	30	12	5
	10	10		20	17	22	5	44	20	5
5	25	10		40	51	22	5	78	40	8
10	20	30	40	100	51	154	5	210	100	21
	240	180	150	600	408	792	5	1205	600	121

F. Bicycle Parking Regulations

1. Residential Districts

For all new multi-family residences that do not provide individual garages, bicycle parking is required at a ratio of one space for every two units. The bicycle parking shall be sheltered and locked, and may include individual storage rooms for units, an indoor shared bicycle room, or a covered outdoor parking area. Outdoor parking shall meet the design standards listed for bicycle parking in commercial and industrial districts. A PUD may also be required to include bicycle parking for guests.

2. Commercial and Industrial Districts

a. Minimum Standards for Bike Parking Spaces

i. Distribution of bicycle parking

If a building has multiple entrances, required bicycle parking spaces shall be distributed evenly among the public entrances unless clustering near a particular entrance is found to be appropriate.

ii. Types permitted

Two-point support is required. Bicycle racks must fully support the bike and may not have any sharp edges or features otherwise hazardous to pedestrians. See Appendix B for illustrations of acceptable bike racks.

iii. Minimum dimensions for uncovered bicycle parking

The following are minimum standards (see Appendix B for illustrations):

Bicycle parking space	6' x 3'
Minimum rack spacing	3' on center
Minimum row spacing	5' between bicycle spaces
Distance from rack to front property line	5'
Maximum distance to entrance	50'
Distance to driving/parking areas and buildings	3'
Minimum sidewalk clearance	5'

b. Number of Spaces Required

The required number of parking spaces shall be rounded up to the nearest even number. A reduction in required spaces may be permitted if secure indoor bike parking for

***** See Definitions (Chapter 19-01) for terms in italics *****

employees is provided. The requirement shall be determined according to the following standards.

i. New Development

Required Car Parking	Required Bike Parking
≤20	2
21-40	4
41-60	6
61-80	8
81-100	10
101 +	10 + 5% of amount over 100

ii. Existing Buildings

For any site plan review, the minimum requirements for new buildings should be followed as closely as is practicable. A minimum of two bike parking spaces shall be provided.

iii. Building Expansion

For any portion of a building expansion, the minimum requirements for new buildings shall be met. If no new parking is added, a minimum of two bike parking spaces shall be provided.

3. Special Uses, Parks, and Institutions

The recommended minimum requirements for bicycle parking for special uses, parks, and institutions are the regulations for commercial and industrial districts. For any use requiring long term bicycle parking, sheltered bike parking or lockers are recommended.

19.11.020 Landscape and Bufferyard Requirements

A. Purpose and Intent

1. To aid in stabilizing the environment's ecological balance by contributing to the process of air purification, oxygen regeneration, and storm water runoff reduction.
2. To ensure that the local stock of native trees and vegetation is preserved and replenished.
3. To provide visual buffering between different land *uses*.
4. To enhance the beauty and overall appearance of the *Village* and preserve the economic base attracted to the *Village* by such factors.

B. Applicability

All multi-family and non-residential developments shall be landscaped in accordance with this Section and shall submit a landscape plan as part of the required site plan.

C. General Provisions

1. Landscape Plans

- a. The Plan Commission or its authorized designee shall approve all landscape plans before an *applicant* may install any landscaping.
- b. All landscape plans shall include a site plan drawn to scale illustrating the proposed location of new plantings and the location of any existing plantings.
- c. Landscape installations shall utilize plants from the *Village's* list of preferred trees and shrubs or provide written justification for substitutions.

2. Fiscal Security

*** See Definitions (Chapter 19-01) for terms in italics***

- a. At the time of final execution of a Certified Survey Map, *Subdivision* Plat, Site Plan or other development agreement with the *Village*, the *owner* may be required to make a fiscal arrangement either by bond, certificate of deposit or letter of credit with the *Village*, to ensure that the *owner* is in full compliance with landscape installation and maintenance requirements.
 - b. To ensure compliance with the landscape installation requirements a fiscal security may be required in an amount calculated in accordance with the rates posted in the office of the *Village Zoning Administrator*. The fiscal arrangements, when required, arrangements shall reflect the cost of required landscaping, both plants and labor, to ensure that such landscaping is installed.
 - c. Should the *Village* have to provide for full compliance, the *applicant* will forfeit the fiscal deposit.
3. Return of Fiscal Security
- a. When it is determined that the landscaping has been installed and maintained during its establishment in accordance with an approved landscape plan, the *Village* of Wheeling shall return the surety to the *applicant*.
 - b. The *Village Zoning Administrator* shall perform the final inspection of the site to ensure adherence to the Landscape Plan and required installation techniques per this Title. The property *owner* will be required to provide a copy of the guarantee letter provided by the landscaping firm before the fiscal security will be released.

D. New Plant Materials

In order to assure adequate growth and survival of new plantings, all landscape plans shall utilize only native or adapted plants that reflect the surrounding plant materials and environment. All landscape material located within a *vision triangle* shall be two feet or less in height or have clearance of eight (8) feet beneath the lowest branch or projection.

E. Tree Installation Requirements

New trees shall be properly planted in accordance with recommended planting procedures as described in "Principles and Practice of Planting Trees and Shrubs" published by the International Society of Arboriculture.

F. Existing Plant Materials

Every reasonable effort shall be made to retain and preserve existing specimen trees and woodlands on the property to be developed in accordance with the *Village* Tree Preservation Ordinance, through integration of those trees and woodlands into the proposed development. No *person* or entity shall in anyway remove any existing specimen tree or woodland, or portion of woodland not specified for removal under an approved landscape plan. All due caution shall be exercised in the design and execution of any development to ensure the continued health of remaining trees on-site and in proximity to the subject parcel.

G. Plant Protection and Irrigation

All planting beds shall be provided with weed barriers, mulch, and a permanent edge or curbing. The *Village* shall require the installation of irrigation systems, except when the Plan Commission determines that installation of an irrigation system is not practicable.

H. Species Mix

To prevent uniform insect or disease susceptibility on a development, in an adjacent area or within a district, species diversity is required and extensive monocultures are prohibited. All possible efforts should be made to incorporate diverse species within each sub-area of a site, for

example a *bufferyard*. The following minimum requirements shall apply to any development besides single and two-family residential homes:

Number of Trees on Site	Maximum Percentage of any One Species
10-19	50%
20-39	40%
40-59	30%
60 or more	20%

I. Plant Sizes

At the time of installation, plantings required by this section shall be no smaller than the following:

1. Deciduous Trees
All deciduous trees shall have a minimum *caliper* size of three (3) inches.
2. Evergreen Trees
All evergreen trees shall have a minimum height of six (6) feet.
3. Ornamental Trees
All ornamental trees shall have a minimum *caliper* size of two (2) inches.
4. Shrubs
All shrubs shall be a minimum of twenty-four (24) inches in height.

J. Plant Quality

1. All plants shall meet the standards of "American Standard of Nursery Stock," ANSI Z60.1-1996, American Association of Nurserymen specifications for Number 1 Grade and shall be of normal health, height and leaf *density*, free of any defects and suitable for the local climate and planting location.
2. Plants shall meet all requirements of federal, *state*, and local law with respect to plant type, labeling, *nursery* or plant inspection, disease, insect, and other pest infestation, and any other requirements.

K. Plant Quantity

1. Each *new development* shall incorporate a variety of plant species that contribute to the functionality of the site and the overall aesthetic value of the property.
2. Foundation plantings shall be incorporated along each *building façade* visible from a public right-of-way.
3. Trees shall be placed in a manner that is consistent with guidelines found in "Principles and Practice of Planting Trees and Shrubs" published by the International Society of Arboriculture. On private property at a minimum they should be no closer than seven (7) feet from any *structure* and shall be installed with at least fifty (50) square feet of non-paved area around the trunk.
4. Planting beds may contain a combination of living plant materials and mulch. However, living plant materials shall comprise no less than fifty percent (50%) of the required planting beds at maturity.
5. Plant materials shall be located to enhance views from public *streets* and sidewalks.

** See Definitions (Chapter 19-01) for terms in italics**

6. Any existing trees and shrubs that shall be preserved and are protected during *construction* shall be credited against this landscaping requirement.

L. Bufferyard Requirements

1. Purpose and Intent

The intent of the bufferyard requirements is to provide visual screening between incompatible land uses and reduce the detrimental impacts of adjacent incompatible uses.

2. Bufferyards Required

Bufferyards shall be required through the site plan review process between uses that the Plan Commission and Village Board find to be incompatible. Incompatible uses include, but are not limited to, the following:

- a. Proposed industrial use adjacent to: commercial, residential, public, or semi-public use
- b. Proposed commercial use adjacent to: residential, public, or semi-public use
- c. Proposed multi-family residential use adjacent to: 1 or 2 family residential use

3. Bufferyard Width and Planting Requirements

The width of the bufferyard and the density and character of plantings shall be determined during the site plan review process. When making this determination, the Plan Commission and Village Board will consider the following: the location of the buildings on the site; the character of the buildings; the location of driveways, loading docks, trash enclosures, and parking lots; and the nature/intensity of the proposed use.

4. Materials Permitted in Bufferyards

Trees, shrubs, plants, grass, ground cover, fences, and walls are permitted in the bufferyard. Sand, rocks, and pavement shall not be permitted.

19.11.030 Vision Clearance at Intersections

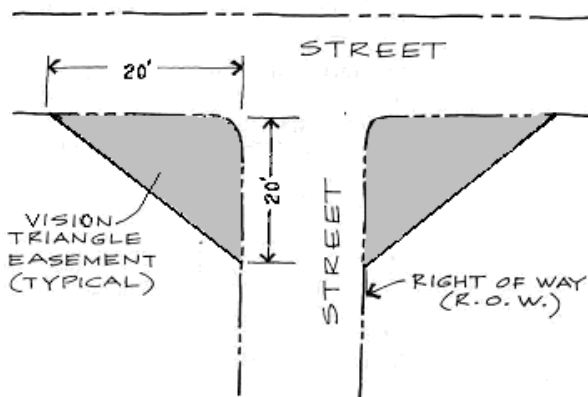
A. Purpose and Intent

To provide clear vision for motorists at intersections where the grade is not separated, there shall be a vision clearance triangle at the intersection of any *streets* with railroads, *alleys*, or non-residential *driveways*.

B. Vision Triangle Requirements

1. The vision clearance triangle shall be determined by measuring twenty (20) feet along the right-of-way, property lines, or *driveway* centerlines starting from the point of intersection of said lines, and connecting these two points with a line to define a triangular area. The *Village Zoning Administrator* may adjust the vision clearance triangle configuration where physical site conditions exist that may adversely affect public safety.
2. In the vision clearance triangle, no *structures* of any kind or landscaping or parked vehicles shall be permitted between three (3) feet and ten (10) feet above the centerline grade *elevations* of the intersecting *streets*, *alleys* or railroad tracks.
3. Allowable installations in the vision clearance triangle are utility and light poles when no safer alternative location exists; trees or plant species with growth patterns that will not develop significant foliage to obstruct views in the clearance area; official signs and signals; and *on-street parking* when traffic controls exist which permit decreased sight lines.
4. The configuration of vision clearance triangles shall be depicted on the site plan, or *subdivision* plat, or certified survey map required for the subject property including a notation referencing these restrictions.
5. Exceptions to these vision clearance requirements include new *buildings* but only upon the prior approval of the *Village Board* following recommendation of the *Zoning Administrator* and Plan Commission; and *buildings* or *structures* existing prior to the date of this Title or amendments thereto.

Figure 26: Vision Triangle Illustration



**** See Definitions (Chapter 19-01) for terms in italics ****

19.11.040 Lighting Standards

A. Exterior Lighting Plan Required

At the time any exterior lighting fixture is installed or substantially modified, whenever a Site Plan Review application is made, and whenever a *Special Use Permit* is requested, an exterior lighting plan shall be submitted to the *Village* to determine whether the requirements of this Section have been met and that adjoining property will not be adversely impacted by the proposed lighting. *Single-family and two-family dwellings* are exempt from this requirement.

B. Lighting Plan Elements

A Lighting Plan submitted pursuant to this Title shall have, at a minimum, the following elements:

1. A catalog page, cut sheet, or photograph of the lighting fixture including the mounting method.
2. A photometric data test report of the proposed lighting fixture graphically showing the lighting distribution at all angles vertically and horizontally.
3. A plot plan, drawn to a recognized scale, indicating the location of the lighting fixture(s) proposed, mounting, and/or installation height in feet, the overall illumination levels (in foot-candles) and uniformities on the site, and the illumination levels (in foot-candles) at the property boundary lines. This may be accomplished by means of an isolux curve or computer printout projecting the illumination levels.
4. A graphic depiction of the lighting fixture lamp (or bulb) concealment and light cut-off angles.
5. In addition to the full-size plot plan required above, one copy of each such drawing submitted shall also be submitted in 11" x 17" black and white reduction.

C. Shielding of Outdoor Light Fixtures

All outdoor lighting fixtures shall be shielded, except one- and two-family residential fixtures. Total cut-off luminaries with angles of less than ninety (90) degrees shall be required for all pole and *building* security lighting. At the discretion of the Plan Commission, more than the minimal level of shielding may be required.

Figure 27: Cut-Off Light Source (Correct)

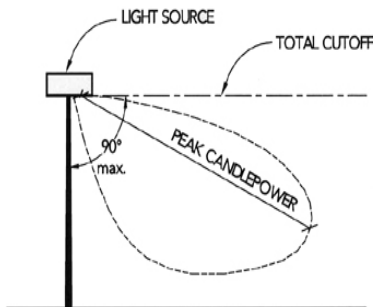
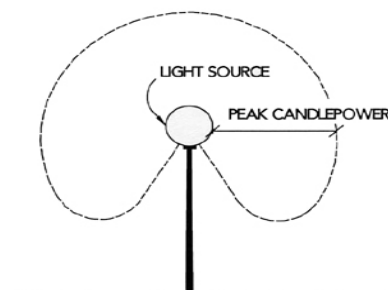


Figure 28: No Cut-Off Light Source (Incorrect)



**** See Definitions (Chapter 19-01) for terms in italics ****

D. Illumination Levels

All outdoor lighting shall conform to the illumination levels recommended by the Illuminating Engineering Society of North America (IES) given below. In all single-family residential districts the lighting level at any property line shall not exceed one foot-candle. When deemed necessary for public safety, the *Village* Board may require provision of a certain minimum lighting level for any property in the *Village*.

Table 19.11.04 (D)

Level of Activity	Examples	General Parking & Pedestrian			Vehicle <i>Use</i> Only		
		Avg	Min	Uniformity (Avg/Min)	Avg	Min	Uniformity (Avg/Min)
HIGH	Major Cultural or Civic Events Regional Shopping Centers	3.6 fc	0.9 fc	4:1	1.8 fc	0.6 fc	3:1
		60,000 lu ¹	15,000 lu ¹		30,000 lu ¹	10,000 lu ¹	
		750 W MH	185 W MH		375 W MH	125 W MH	
		750 W HPS	185 W HPS		375 HPS	125 W HPS	
		375 W LPS	90 W LPS		375 LPS	65 W LPS	
MEDIUM	Community Shopping Centers Cultural, Civic or Recreational Events Office Parking Hospital Parking Transportation Parking Fast Food Facilities (Airports, Commuter Lots, Etc.) Residential Complex Parking	2.4 fc	0.6 fc	4:1	0.9 fc	0.3 fc	3:1
		40,000 lu ¹	10,000 lu ¹		15,000 lu ¹	5,000 lu ¹	
		500 W MH	125 W MH		185 W MH	60 W MH	
		500 W HPS	125 W HPS		185 W HPS	60 HPS	
		250 W LPS	65 W LPS		90 W LPS	30 LPS	
LOW	Neighborhood Shopping Industrial Employee Parking Educational Facility Church Parking	0.9 fc	0.18 fc	4:1	0.45 fc	0.12 fc	4:1
		15,000 lu ¹	3,000 lu ¹		7,500 lu ¹	2,000 lu ¹	
		185 W MH	35 W MH		90 W MH	25 W MH	
		185 W HPS	35 HPS		90 W HPS	25 W HPS	
		90 W LPS	18 LPS		45 LPS	15 W LPS	

¹ Assumes light is at a height of 20 feet. If light is at 30 feet the lumens needs to be doubled to achieve the same fc at the ground.

E. Filtering

Metal Halide fixtures shall be filtered. Filtering means any outdoor light fixture which has a glass or acrylic enclosure. Quartz glass does not meet this requirement.

F. Recreational Facility Lighting

No outdoor recreational facility, whether public or private, shall be illuminated after 11:00 p.m. except to conclude any recreational or sporting event or other activity conducted, which is in progress prior to 11:00 p.m. at a ballpark, school ballfield, outdoor amphitheater, arena or similar facility.

G. Architectural Lighting

All architectural lighting shall be of 150 watts or less (incandescent) or 70 watts or less (other types). Lights shall have at least ninety percent (90%) of their light falling on the illuminated *structure*.

**** See Definitions (Chapter 19-01) for terms in *italics* ****

H. Use of Mercury Vapor Lighting Fixtures

No new mercury vapor outdoor lighting fixtures shall be installed in the *Village* of Wheeling after the effective date of this Title.

I. Exemptions

Outdoor lighting fixtures existing and legally installed prior to the effective date of this Title are exempt from its provisions, however any replacement of said lighting fixtures must comply with this Title as set forth above.

J. Violations and Penalty

Any *person*, firm, entity or corporation violating the provisions of this Title shall be required to pay a forfeiture per Section 15.16.001 of the Municipal Code for each day the violation continues after being issued a citation.

19.11.050 Sanitation and Related Storage

The following requirements shall be met for all *uses* in all districts with the exception of single-family and two-family residential units.

A. Centralized Location(s) of Trash Dumpsters and Garbage Receptacles Required

All new *buildings* and *uses* shall provide facilities for the central and accessible storage of solid waste within the parcel or *lot*. The location of these facilities shall be approved during site plan review and approval. Multiple locations may be required.

B. Trash Dumpster and Garbage Receptacle Enclosures may be Required

1. All garbage cans, trash dumpsters, trash containers, and other storage devices situated on any property shall be approved refuse receptacles in accordance with *Village* health codes.
2. Sight-proof fencing (wood or masonry) and landscaping shall be used to totally obstruct the view of refuse receptacles. Where that is not practicable, receptacles shall be *screened* from public rights-of-way and adjacent property by an enclosure constructed of materials compatible with the materials on the front *building* wall of the main *building*. It is preferred that a *screened* pedestrian entrance be provided for entering the enclosure so that waste may be deposited without opening the large access gates. Enclosures shall be of an adequate size to accommodate the storage of all refuse and recyclables and have as a base a concrete slab no less than five (5) inches in thickness.

C. Adequate Size to Accommodate Recycling Materials

All trash dumpster and garbage receptacle areas shall be of an adequate size to accommodate the storage of materials to be recycled.

D. Trash Dumpster and Garbage Receptacle Maintenance Required

Fencing and landscaping for storage areas shall be maintained in good condition and kept litter-free.

CHAPTER 19-12 SITE PLAN AND BUILDING APPEARANCE APPROVAL REQUIREMENTS

19.12.010 Purpose and Intent

For the purposes of promoting compatible development and ensuring adequate public facilities, site plan review and approval in accordance with this Title Article are required for all *persons* prior to issuance of a *building permit* or commencing *use* of land. However, no site plan approval is required for single and two-family residences except as may be required by the Village Zoning Administrator. Minor site *alterations* concerning *buildings* or other elements shall be reviewed by the *Village Zoning Administrator* and submitted to the Plan Commission who shall determine whether the proposed *alterations* require full site plan review.

19.12.020 Approval Authority

The Plan Commission is authorized to review all site plans and shall make findings of fact and recommend action to the Board of Trustees for approval, conditional approval, or denial of applications for site plan approval. *Applicants* are required to participate in a preliminary consultation as detailed under Title 19.12.030 and to provide complete application materials in the required number as detailed under Title 19.12.040, prior to placement on the Plan Commission agenda for consideration.

19.12.030 Preliminary Consultation

Prior to the preparation and official submittal of the site plan and supporting data, the *applicant* shall meet with *Village* staff for a preliminary consultation. The purpose of this consultation is to have an informal discussion of the proposed project, a review of the applicable regulations and policies, and a discussion of the land *use* implications of the project.

19.12.040 Required Plan Submittal Information

All *applicants* shall provide the following information:

A. General Submittal Requirements

1. *Applicants* for site plan and appearance review must submit a complete application, and a written request for action to the *Village Zoning Administrator* a minimum of three (3) weeks prior to the Plan Commission meeting when action is requested. A complete submittal shall include each of the plans described in this Section unless waived by the Zoning Administrator. Unless hard copies are specifically requested by the Village staff, applications and supporting materials must be provided digitally.
2. Site plans shall be drawn to a specified engineering scale.

B. Narrative

A narrative or cover shall include the following:

1. *Owner* and/or developer's name, phone number, and address
2. Where applicable, the architect's or engineer's name, phone number, and address
3. Description of all proposed *buildings* indicating proposed *uses* and *building* size
4. Descriptions of the location, type, and size of all outside signs
5. Calculations indicating the total site size, *building floor area*, number of parking spaces, amounts of *impervious surfaces*, and amount of non-impervious green space

**** See Definitions (Chapter 19-01) for terms in italics****

C. Disclosure Statement

In addition to the basic narrative listed above, each of the following points must be addressed and numbered accordingly in a document submitted at the time of application. If, in the opinion of the *applicant*, the matter is not pertinent, that should be stated explicitly in writing and submitted as part of the Disclosure Statement.

1. Ordinance and *Comprehensive Plan* Purposes and Intent

The proposed *use* and development will be in harmony with the general and specific purposes for which this Title was enacted and for which the regulations of the zoning district in question were established and with the general purpose and intent of the *Village's Comprehensive Plan* or element thereof.

2. Adverse Impact

The proposed *use* and development will not have a substantial or undue adverse or detrimental effect upon or endanger adjacent property, the character of the area, or the public health, safety, morals, comfort, and general welfare and will not substantially diminish or impair property values within the community or neighborhood.

3. Interference with Surrounding Development

The proposed *use* and development will be constructed, arranged, and operated so as not to interfere with the *use* and development of neighboring property according to the applicable zoning district regulations.

4. Adequate Public Facilities

The proposed *use* and development will be served adequately by essential public facilities and services such as *streets*, public utilities including public water supply system and sanitary sewer, police and fire protection, refuse disposal, public parks, libraries, schools, and other public facilities and utilities or the *applicant* will provide adequately for such facilities.

5. Traffic Management

That vehicular ingress and *egress* at the proposed site shall be appropriately designed and minimize undue negative traffic impacts.

6. Destruction of Significant Features

The Plan Commission may impose reasonable conditions on the proposed *use* and development to avoid or minimize the destruction, loss, or damage of any natural, scenic, or historic feature of significant importance, taking into account the surrounding *uses*, the existing *use* of the site, and public convenience.

7. Compliance with Standards

The *use* shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified to a more restrictive requirement by the Board of Trustees pursuant to the recommendations of the Plan Commission.

D. Site Plan

A site plan shall include the following:

1. Name of project and date of plan preparation
2. Scale of drawing and North arrow
3. Property boundaries
4. Where applicable, the 100 year recurrence interval floodplain and floodway delineations
5. Where applicable, wetlands as delineated in the Illinois State Wetland Inventory and a twenty (20) foot *setback* line from such wetlands
6. Existing and proposed *easements* on the subject property

** See Definitions (Chapter 19-01) for terms in italics **

7. Adjoining public *street* right-of-ways, sidewalk locations, existing and proposed *driveways* and curb cuts, and parking and unloading areas
8. Locations of existing and proposed *building* footprints with *building setback* lines shown
9. Location of any existing or proposed ground signs, freestanding signs, or monument signs
10. Location and type of all outdoor lighting proposed to illuminate the site
11. Existing land *use* and zoning of adjacent properties within 100 feet of the site, including: existing *buildings*, *structures*, and major features including but not limited to woodlands, wetlands, floodplains, steep slopes, and drainageways
12. Location of any existing or proposed fire hydrants providing protection to the site

E. **Building Plans**

Building Plans shall include the following:

1. Architectural *elevation* drawings, at a specified engineering scale depicting each side of new or remodeled *buildings* indicating materials and *building* dimensions
2. One colored rendering of the front facade of the *principal building* showing the proposed color
3. Material samples for the primary exterior elements as depicted on the plans.

F. **Grading and Storm Water Plans**

Grading and storm water plans shall clearly indicate include the following:

1. Spot *elevations*, including an onsite benchmark *elevation*
2. Proposed drainage patterns
3. Existing and proposed topography shown at a contour interval of not less than two (2) feet at National Geodetic Vertical Datum
4. Location and dimension of storm water retention or detention basins and/or storm water conveyances including calculations of anticipated storm water impacts for the site

G. **Lighting Plans**

Lighting plans must be provided and prepared in accordance with the provisions of Title 19.11.040.

H. **Landscaping Plans**

Landscaping plans must be provided and shall include:

1. Notation of drawing scale
2. Drawing orientation (indicated by conventional north arrow)
3. Name of landscape design professional
4. Location of all existing vegetation which is equal to or exceeds the following sizes: 1) Deciduous trees greater than three (3) inch *caliper*; 2) Evergreen trees five (5) feet high or greater; and 3) shrubs greater than thirty-six (36) inches in height
5. Common name, location, botanical name, quantity, and planting size of all proposed plant material; and the location of other pertinent landscape features
6. The location, design, height, and *building* material of all proposed walls, planter boxes, *fences*, bicycle racks and other site *appurtenances*.
7. Proposed method of saving existing vegetation during *construction*
8. Plant installation details

9. Proposed layout of vehicular *use* areas including the location, dimensions of parking spaces, curb islands, interior plantings, pedestrian walkways, and maneuvering aisles
10. Location of existing and proposed *street* lights and fire hydrants in public right-of-way
11. Size and location of all existing and proposed public and private utility improvements within the public right-of-way
12. Property lines, *easements*, and right-of-way *frontage* with dimensions shown
13. Sight triangles at intersections and at *alley* or *driveway* curb cuts
14. Indication of the areas to be irrigated.

I. Traffic Study

Unless waived by the *Village Zoning Administrator*, the *applicant* shall submit a traffic study including existing traffic volumes, anticipated trip generation, and existing and proposed level of service on adjacent arterial and collector *streets* for Plan Commission review.

J. Other Data

1. Copies of private mains, *easements*, deed restrictions, covenants and other recorded documentation relative to the property.
2. Depending on the type and scale of the project, the *Village* Plan Commission and/or staff may request additional information to assist in the review of the project.

19.12.050 Lapse of Site Plan Approval

In the event the project for which the site plan approval was granted has not commenced *construction* within one year, or has not been completed within three (3) years of such approval, the site plan approval shall lapse and there shall be no further development or *construction* on the site. Upon reapplication, the Plan Commission may renew the site plan as originally granted or require changes as deemed necessary.

19.12.060 Site Plan and Appearance Review Procedure

A. Site Plan and Appearance Review - General Procedure

This section applies to new requests for site plan and building elevation plan review. Such requests shall be reviewed by the Zoning Administrator in accordance with Section 19.12.030. The Zoning Administrator shall determine whether the work is to require Major Review or Minor Review, as described below. Site plan and appearance changes that are found, at the determination of the Zoning Administrator, to have little to no impact may proceed to permit review. At the discretion of the Zoning Administrator, the request may be forwarded to the Plan Commission to complete this determination.

1. Major Site Plan and Appearance Review

Major Site Plan and Appearance Review requires a concept review by the Village Board, a recommendation by the Plan Commission, and a final decision by the Village Board. The Village Manager, at his discretion, may waive the requirement for concept review for matters determined to be of a routine nature. Such determinations shall be made following consultation with the Director of Community Development. Major Site Plan and Appearance Review shall be required for the following:

- a. New construction of a principal structure.

**** See Definitions (Chapter 19-01) for terms in italics ****

- b. Addition to an existing principal structure that is 1,000 sq ft or 10% of the area of the existing structure, whichever is less.
 - c. Replacing the primary exterior building material on visible portions of the façade of an existing principal structure.
 - d. Significant site alterations, including but not limited to berms, detention/retention areas, parking lot addition/removal, or significant landscaping features.
2. Minor Site Plan and Appearance Review
- Minor Site Plan and Appearance Review requires a final decision by the Plan Commission. Minor Site Plan and Appearance Review shall be required for the following:
- a. New construction of an accessory structure.
 - b. Addition to an existing principal structure that is less than 1,000 sq ft or less than 10% of the area of the existing structure.
 - c. Replacing building materials, other than the primary building material, on visible portions of the façade of an existing principal structure.
 - d. Minor site alterations, such as parking lot modifications of a limited scope, fencing, minor grading, or small landscaping areas.

B. Revisions to approved plans

This section applies to requests to modify recently approved site plans or building elevations, and is intended for projects that have not received final occupancy permits or final inspections. The Village Board and Plan Commission shall be informed of all such decisions. The Director of Community Development shall make the determination as to whether a particular site plan revision constitutes a major, minor, or administrative change. Site plan revision decisions will be made with an understanding of the construction process. The Director will consult with the Fire Department, Village Engineer, and the Village Planner to make this determination. The most important factor in the decision will be the intent of the Plan Commission and Village Board approval. The Director may also determine that additional review by the Plan Commission or Village Board is required for any type of site plan revision. Three types of site plan and appearance revisions are possible:

- 1. Major change. Requires review and approval by the Village Board following receipt of a recommendation by the Plan Commission. Major change includes, but is not limited to, the following:
 - a. The building setback is modified by 10% or more from the original approval.
 - b. The driveway shifts location more than 5'0".
 - c. The detention/retention pond changes from "soft" sides to concrete walls.
 - d. The fire lane/access changes location more than 2'0" and/or shortens in length.
 - e. Changes in final grade more than 18".
 - f. Changes to the approved appearance of the building involving significant portions of the façade such as modifications of the materials or colors.
- 2. Minor change. At minimum, requires review and approval by the Plan Commission. Minor change includes, but is not limited to, the following:
 - a. The Building shifts location by more than 1'0" but less than 10% from the original approval.
 - b. The driveway shifts location by more than 1'0" but less than 5'0".
 - c. The detention/retention pond changes significantly in width, depth, or location.
 - d. The fire lane/access changes location less than 2'0".

*** See Definitions (Chapter 19-01) for terms in italics***

- e. Landscaping is modified in such a way that is interpreted to be inconsistent with the spirit of the original approval.
- 3. Administrative change.
At minimum, requires review and approval by the Director of Community Development. Includes changes to the site plan or building exterior (such as grading, landscaping, accent materials on the elevations) that may be required due to site conditions that arise that have less than a minor impact on the project, but still meet the intent of the approval.

CHAPTER 19-13 REVIEW AND DECISION MAKING BODIES

19.13.010 Board of Trustees (*Village Board*)

The powers and duties of the Board of Trustees (*Village Board*) under this zoning ordinance shall be as follows:

- A. Changes and Amendments
Review petitions to change zoning district boundaries or amend this zoning ordinance and take final action to approve or deny such petitions, following receipt of Plan Commission recommendations.
- B. Planned Unit Developments (PUDs)
Review PUD petitions and take final action to approve or deny such petitions, following receipt of Plan Commission recommendations.
- C. Site Plan Approval
Review site plans and take action to approve, conditionally approve or deny such applications following receipt of Plan Commission recommendations.
- D. Special Use Approvals
Review applications for *Special Use* approvals following the receipt of Plan Commission recommendations.
- E. Variations
Review applications for variations to the regulations of the zoning code following the receipt of Plan Commission recommendations.
- F. Appeals
Review the appeal of a decision by the Plan Commission for items on which the Plan Commission has final approval authority. This includes the review and approval of minor site plan modifications, minor building appearance modifications, and sign permits. All such appeals shall be made in accordance with Section 19.13.020 of this Title.

19.13.020 Plan Commission

The Plan Commission has been designated by the Board of Trustees as the advisory commission to the *Village* of Wheeling on Planning and Zoning matters as granted by Illinois *Statutes*. The duties of the Plan Commission shall be as follows:

- A. Changes and Amendments
Review petitions to change zoning district boundaries or amend this zoning ordinance and recommend that the Board of Trustees approve or deny such petitions.
- B. Planned Unit Developments (PUDs)
Review PUD petitions and recommend that the Board of Trustees approve or deny such petitions.
- C. Major Site Plan Review
Review the site plan, existing and proposed *structures*, architectural plans, lighting plans, neighboring *uses*, landscaping, *open space*, parking areas, *driveway* locations, loading and unloading, vehicle access, traffic generation and circulation, drainage, sewerage and water systems, and proposed *uses* in all districts, and recommend action to the Board of Trustees.
- D. Special Use Approvals
Review applications for *Special Use* approvals and recommend action to the Board of Trustees.

**** See Definitions (Chapter 19-01) for terms in italics****

E. Sign Permits

Review applications for signs that specifically require Plan Commission review as well as signs referred by the *Village Zoning Administrator*, and take final action to approve or deny such applications.

F. Duties of the Zoning Board of Appeals

The Plan Commission of the *Village* of Wheeling is charged with all duties and responsibilities of the *Zoning Board of Appeals*.

1. The *Zoning Board of Appeals* is established for the purpose of hearing appeals and reviewing applications for *variances* and exceptions to the provisions of this zoning ordinance.
2. The Plan Commission shall hold public meetings and public hearings, as needed, to hear and recommend to the Board of Trustees all matters referred to it or upon which it is required to pass under this Title.
3. The Plan Commission, in its capacity as the *Zoning Board of Appeal*, shall keep minutes of its proceedings, showing the vote of each member upon a question, or if absent or failing to vote, showing such fact.
4. Every rule or regulation, every amendment or repeal thereof, and every order, requirement, decision or determination by the Board of Trustees subsequent to the review of Plan Commission acting in its capacity as the *Zoning Board of Appeals* shall be filed immediately in the office of the *Zoning Administrator* and shall be a public record.
5. The concurring vote of four (4) members of the *Zoning Board of Appeals* shall be necessary to reverse any order or determination of the *Village Zoning Administrator* or to recommend in favor of the *applicant* on any matter upon which they are required to review.
6. Powers of the Plan Commission as the Zoning Board of Appeals
 - a. To hear appeals where it is alleged there is error in an order, requirement, decision or determination made by the *Village Zoning Administrator* in the administration of this Title. The recommendation regarding such appeals shall be forwarded to the Board of Trustees.
 - b. To recommend that the Board of Trustees permit the reasonable extension of a district where the boundary lines of a district divide the *lot* in single ownership as of the date of adoption of this Title.
 - c. To interpret the provisions of this Title in such a way as to carry out the intent and purpose of the plan where the *street* layout actually on the ground varies from the *street* layout as shown on the *Zoning Map*.
 - d. To review upon appeal or application in specific cases such variation from the terms of this Title as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of this Title would result in a practical difficulty or an unnecessary hardship, so that the spirit of this Title shall be served and substantial justice done. (*Note: Financial considerations do not constitute a hardship for the purposes of this section.*)
 - e. To hear and recommend to the Board of Trustees all matters referred to it or upon which it is required to pass under this Title.

** See Definitions (Chapter 19-01) for terms in italics**

- f. To initiate, direct and review from time to time a study of the provisions of this Title and to make reports of its findings and recommendation to the Board of Trustees not less frequently than annually.
 - g. In the exercise of its powers, the *Zoning Board of Appeals* may, in conformity with the provisions of the law, recommend that the Board of Trustees reverse or affirm, wholly or in part, or may modify the requirement, decision or determination appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made in the circumstances and to that end shall have all the powers of the *Village Zoning Administrator*.
- G. Minor Site Plan and Appearance Reviews
Review applications for minor site plan modifications and building appearance modifications as required under Chapter 12 of this Title, and take final action to approve or deny such applications.
- H. Rules of the Plan Commission
The Plan Commission of the *Village* of Wheeling has the authority to adopt procedural rules as necessary to carry out the duties described herein and in Title 2 of the Municipal Code. The Community Development Department shall keep a record of the current Plan Commission procedural rules.
- I. Appeals of Plan Commission decisions
 - 1. Who May Appeal a decision by the Plan Commission
An appeal may be taken to the Board of Trustees by any *person*, firm or corporation, or by an officer, department, board or bureau, affected by a decision of the Plan Commission relative to the interpretation of this Title.
 - 2. Procedure for Appeals
Appeals shall follow procedures as follows:
 - a. Appeals shall be taken by filing a notice of appeal with the office of the *Zoning Administrator* within thirty-five days after the date of the decision from which the appeal is taken. The notice shall specify the grounds for the appeal.
 - b. Upon receipt of a notice of appeal, the *Village Zoning Administrator* shall prepare a summary report to the Board of Trustees including all papers constituting a record upon which the action appealed from was taken. This record shall include, but is not limited to, copies of the materials reviewed by the Plan Commission and the minutes of the Plan Commission meeting at which the item was discussed.
 - c. An appeal shall stay all proceedings in furtherance of the action appealed from unless the *Zoning Administrator* certifies to the Board of Trustees that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case the proceedings shall not be stayed except by a restraining order, which may be granted by a court of record.
 - d. The Board of Trustees shall fix a reasonable time and place for the hearing of the appeal, giving public notice thereof, as well as due notice to the parties in interest and render a written decision within a reasonable time.
 - e. Any *person* may appear and testify at a hearing either in *person* or by duly authorized agent. All testimony shall be given under oath. The President, or in his absence the Acting President, shall administer oaths and may compel the attendance of witnesses.

19.13.030 Zoning Board of Appeals

A. Plan Commission acting as the Zoning Board of Appeals.

The *Zoning Board of Appeals* is established for the purpose of hearing appeals and reviewing applications, for *variances* and exceptions to the provisions of this zoning ordinance. In the *Village* of Wheeling the Plan Commission is authorized to act as the *Zoning Board of Appeals*. See Section 19.13.020, Plan Commission, Subsection F, Duties of the Zoning Board of Appeals.

B. Variations

1. Procedure for *Variations*

Applications for *variations* shall follow procedures as follows:

- a. An application for a *variation* shall be filed with the Community Development Department, which shall promptly transmit the application to the *Zoning Board of Appeals* along with a copy to the Board of Trustees.
- b. A public hearing shall be held on the application within ninety (90) days and notice shall be given as follows:
Notice of such hearing shall be published at least once, not more than thirty (30) nor less than fifteen (15) days before the hearing, in one or more newspapers published within the *Village*, or if no newspaper is published therein, then in one or more newspapers with a general circulation within the *Village*. The notice shall contain the date, time and place of the hearing, the *street* address or common description of the property involved and a brief statement of the relief sought. The published notice may be supplemented by such additional form of notice as the *Zoning Board of Appeals* may by rule provide.

2. Standards and Findings

No *variation* from the provisions of this Title shall be granted by the Board of Trustees unless it finds, beyond a reasonable doubt, that all of the following facts and conditions exist and so indicates in the minutes of its proceedings.

a. Physical Conditions vs. Convenience

That there are present actual physical conditions applying to the *lot*, *parcel*, *building*, *structure*, *use* or intended *use* on that premises which are creating the practical difficulty or unnecessary hardship in the application of this Title, as distinguished from a mere inconvenience to the owner if the strict letter of the regulations are required.

b. Unique vs. General Conditions

That the conditions are unique, exceptional, extraordinary or unusual circumstances applying only or primarily to the property under appeal and are not of such a general or recurrent nature elsewhere in the same zoning district as to suggest or establish the basis for future *variations*, Ordinance changes or amendments.

c. Conditions Not Created by Appellant

That the alleged conditions creating the difficulty or hardship were not caused by the appellant nor by any *person* still having an interest in the property. A self-imposed hardship is not a basis for granting a *variation*, nor are financial concerns.

d. Reasonable Return

The property in question cannot yield a reasonable return if permitted to be used only under *the* conditions allowed by the regulation in that zone.

e. Essential Character

The granting of the *variation* will not alter the essential character of the locality.

f. Environmental Quality

**** See Definitions (Chapter 19-01) for terms in italics ****

The proposed *variation* will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

3. Action by the Board of Trustees

If an application for a proposed variation is not acted upon finally by the Board of Trustees within six (6) months of the date upon which the findings and recommendations of the Plan Commission are filed with the Board of Trustees, it shall be deemed to have been denied.

19.13.040 Village Zoning Administrator

A. Village Zoning Administrator

Throughout this Title any reference to the *Village Zoning Administrator* shall be interpreted to mean the *Village Zoning Administrator* and his designee.

B. Powers of the Village Zoning Administrator

1. The *Village Zoning Administrator* is the administrative official designated by the Board of Trustees to administer and enforce this Title.
2. The *Village Zoning Administrator* may be provided with the assistance of such other *persons* as the Board of Trustees may direct.
3. The *Village Zoning Administrator* may enter, at any reasonable time, onto any public or private lands to make a zoning inspection while in the performance of his duties.
4. The *Village Zoning Administrator* is hereby authorized to:
 - a. Enforce all provisions of this Title, investigate all complaints, give notice of violations, issue orders to comply with the Zoning Code, and assist the *Village Attorney* in the prosecution of violators.
 - b. Conduct inspections of *buildings, structures, and uses* of land to determine compliance with the terms of this Title and other applicable ordinances.
 - c. Approve and issue all *building permits* and occupancy certificates and make and maintain records thereof.
 - d. Review applications for signs that meet the provisions of Title 21 and do not require Plan Commission review, and take final action to approve or deny such applications. The *Village Zoning Administrator* may also forward any sign application to the Plan Commission for review at his discretion.
 - e. Review and approve applications for administrative variations as described in this Section.
5. The *Village Zoning Administrator* shall:
 - a. Receive, file and forward to the *Zoning Board of Appeals*, for action, all applications for *variations* and the records on all appeals.
 - b. Maintain complete records of all actions of the *Zoning Board of Appeals* and shall keep the Board of Trustees informed on a current basis of the disposition of each case.
 - c. Prepare and cause to be published on or before March 31st of each year a map showing the existing zoning in effect on the preceding December 31st.
 - d. Publish on or before January 1st of each year the rules of procedure for the *Zoning Board of Appeals* and the Plan Commission in effect as of that date.

C. Administrative variations

**** See Definitions (Chapter 19-01) for terms in italics****

The Village Zoning Administrator may, at his discretion, approve administrative variations without requiring a public hearing. Site plan and appearance review shall be required if applicable.

1. Procedure

- a. For the eligible actions as listed in this Section, property owners and their authorized representatives may apply for an administrative variation prior to or concurrent with a building permit application.
- b. All such reviews shall include a minimum fourteen (14) day comment period to allow potentially affected property owners an opportunity to review the proposal. The comment period shall begin no earlier than the date of the certified mailing as described in this section.
- c. The Zoning Administrator shall review the scope of the proposal and determine whether an administrative variation is appropriate. The zoning administrator may require a full public hearing for any item requiring a variation.
- d. The applicant shall write a letter, to be delivered certified mail with receipt required, to the owners of property near the subject property as required by the Zoning Administrator. At minimum, all owners of property directly adjacent to the subject property shall be notified. The letter must identify the subject property, describe the action requested, list the deadline for comments to be provided to the Zoning Administrator, and inform the recipient that the proposal is available for review at the Community Development Department.
- e. At the end of the comment period, the Zoning Administrator shall review any comments received and determine whether to approve or deny the administrative variation. Actions which are denied an administrative variation may be reviewed immediately as described in Section 19.10.030 of this Title.

2. Eligible actions

- a. Residential remodeling. Building permits for single-family homes and their accessory structures which would allow for existing nonconforming setbacks to continue. This includes, but is not limited to: additions up to fifty percent (50%) of the existing floor area, garage or shed replacement
- b. Parking location. Commercial or residential construction for which the existing parking setback is nonconforming. Does not include reductions in overall parking or increasing the extent of a nonconforming setback.

3. Ineligible actions

- a. Actions which increase the extent of the nonconforming setback (unless expressly authorized as an exception elsewhere within this Title).

19.13.050 Public Hearings

A. Content of Notice

Any notice herein required shall contain the address of the location for which the public hearing is requested, a brief statement of the nature of the request, the name and address of the legal and beneficial *owner* of the property, and the time, date, and location of the public hearing.

B. Posted Notice

It shall be the duty of any *person*, firm or corporation filing a petition with the *Village* Clerk requesting a *rezoning*, a *variation* or a *special use*, to place on said real property, in view of passing vehicular traffic, a sign to be supplied by the *Village*, notifying the public of the fact that

*** See Definitions (Chapter 19-01) for terms in italics***

the appropriate commission will hold public hearings on a certain date relative to the request. The petitioner, or his duly authorized agent, shall file an affidavit with the *Village* Clerk that the sign was posted on the property which is the subject of the public hearing at least fifteen (15) days prior to the date of the hearing. The appropriate commission shall not proceed with the public hearing until the requisite affidavit has been filed.

C. Published Notice

A notice of public hearing on any proposed *rezoning* or zoning ordinance amendment shall be published at least once, not more than thirty (30) nor less than fifteen (15) days before the public hearing, in a newspaper published in the *Village* of Wheeling, or if no newspaper is published therein, then in one or more newspapers with a general circulation within the *Village*. A copy of this notice shall also be sent to the *applicant*.

D. Written Notice

1. In addition to any other notice requirements provided herein, an *applicant* for any public hearing for a special use or zoning variation petition shall, not less than fifteen days (15) and not more than thirty (30) days prior to the date set for the public hearing, serve written notice in *person* or by first-class mail to the last known taxpayers or property *owner* or *owners* of record reflected in the county records of all property within 250 feet in each direction of the property lines of the subject property for which the public hearing is requested provided the number of feet occupied by all public roads, *streets*, *alleys*, and other public ways shall be excluded in the computation. For zoning map amendments increasing the intensity of the zoning district, the petitioner shall serve such notice to taxpayers or property owners within 500 feet of the property lines of the subject property, *inclusive* of street and railroad rights of way. At the discretion of the Zoning Administrator or Village Board, petitions expected to have a significant impact may also be subject to the increased notice radius of 500 feet. Copies of the notice and the list of addresses shall be provided to the Community Development Department.
 - a. In the event of a *planned development*, the distance shall be measured from the outermost property line of the entire *planned development*.
 - b. If any part of a *condominium* property is located within the required notice area for the property which is the subject of a hearing, written notification shall be sent to each taxpayer of record within all *condominium buildings* that are located within or partially within the required distance from the property lines as well as the *condominium association*.
 - c. If written notification is sent to a trust company or lending institution of record the notice requirement of this section shall be deemed satisfied.
 - d. If, after a bona fide effort property *owners* cannot be found, the notice requirements of this section shall be deemed satisfied upon filing by the *applicant* of an affidavit evidencing the inability to serve such notice.
2. The *applicant* shall furnish, seven (7) days prior to the hearing, an affidavit certifying that he has complied with the requirements of this subsection. Attached to the written statement shall be a list of all property *owners* notified in accordance with the above and the returned notice sent to each of the individuals therein specified. Forms of the affidavit shall be made available by the Community Development Department.
3. The additional notice requirements of this Section shall not apply to any amendments proposed by either the corporate authorities or the Plan Commission.
4. Certified mailing of the written notice is recommended but not required.

19.13.060 Notice of Comprehensive Amendments

Whenever the corporate authorities or the Plan Commission propose comprehensive amendments, defined as those amendments which will affect twenty-five percent (25%) or more of the entire village, notice of public hearing on any such amendments shall be published at least once, not more than thirty (30) nor less than fifteen (15) days before the hearing, in one or more newspapers published in the village, or, if no newspaper is published therein, then in one or more newspapers with a general circulation within the village. The notice shall state the time and place of the hearing and the place where copies of a map showing the proposed amendments will be accessible for examination by interested persons. The notice shall also contain a brief statement of the proposed amendments and a common description, by street names, boundary lines or subdivision names, identifying the areas of the village affected by the proposed amendments. The notice requirements of Section 19.13.050 shall not apply to hearings held pursuant to this Section.

19.13.070 Schedule of Fees, Charges, and Expenses

A. Establishment

The Board of Trustees may establish a schedule of fees, charges and expenses and a collection procedure for zoning changes, appeals, and other matters pertaining to this Title.

B. Collection Office

The schedule of fees, charges and expenses shall be posted in the office of the *Village Zoning Administrator*, who shall be responsible for their collection. The schedule may be altered or amended only by the Board of Trustees. Until all applicable fees, charges, and expenses have been paid in full, no action will be taken on any application, appeal, or other matter requested.

C. Fee Schedule

As provided in the Schedule of Fees and Charges set forth in Title 1, Chapter 1.26, the applicable fee shall be paid by the petitioner for the following petitions (permit fees are not included).

1. The following petitions and applications shall require a fee (see Title 1, Chapter 1.26): Special Use, Variation, Rezoning, Text Amendment, Planned Unit Development, and Remodeling Variation for single-family residential.
2. The following petitions do not require a fee: site plan review, appearance review, and signage review.
3. For additional types of petitions and the associated fees, see Title 17 (subdivision applications and variations) and Title 21 (sign permits and sign code variations).
4. Public hearing fees. The fees associated with holding a public hearing relate to the administrative time processing the application, posting a public hearing sign on the subject property, posting a notice in the newspaper, and transcribing the proceedings at the hearing. Please note that the petitioner will be sent an invoice for any amount spent by the Village on the transcription of the hearing that exceeds the original fee amount.
5. Public hearing sign. The Village will erect a public hearing sign on the subject property for all petitions requiring a public hearing. See Section E for a description of the penalty for damage to a public hearing sign.

*** See Definitions (Chapter 19-01) for terms in italics ***

D. Penalty for Violations

A person who violates or resists the enforcement of any of the provisions of this title shall be fined not less than twenty-five dollars nor more than five hundred dollars. Each day such violation or failure is permitted to exist after notification thereof shall constitute a separate offense.

E. Penalty for Damage or Loss of a Public Hearing Sign

The Village of Wheeling will retrieve the public hearing notice sign once the review is complete. If the sign has been damaged or removed from the property, the petitioner will be fined one hundred fifty dollars (\$150.00).

19.13.080 Legal Status

A. Conflict with Other Laws

Whenever the provisions of this Title impose more restrictive standards than are required in or under a *statute* or other legal document, the requirements of this Title shall govern. Whenever the provisions of any other *statute* or legal document require more restrictive standards than are required by this Title, the provision of such *statute* or document shall govern.

B. Validity

Should any section, clause or provision of this Title be declared by the courts to be invalid or unconstitutional, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid or unconstitutional.

C. Repeal of Conflicting Ordinances

All ordinances and parts of ordinances in conflict herewith are repealed.

D. Effective Date

This Title shall be in full force and effect from and after its passage and publication as provided by law.

CHAPTER 19-14 ORDINANCE ADMINISTRATION

19.14.010 Text Amendments and Rezoning

A. Amendment Authorized

The regulations imposed and the districts created under the authority of this Title may be amended in the manner provided under the Illinois Municipal Code. No such amendments, including the *zoning maps*, shall be made without a public hearing before the Plan Commission of the *Village*.

B. Initiation of Amendments

Amendments may be proposed by the Board of Trustees, by the Plan Commission, or by any other *person* or commission. Any application for such an amendment, except for those proposed by the Board of Trustees, shall be filed with the *Village* Clerk and transmitted to the Board of Trustees for information purposes.

C. Application

Amendments initiated by the Board of Trustees shall be referred directly to the Plan Commission for a public hearing and review prior to *Village* Board action. An application made by any other *person* for an amendment to any of the provisions of this Title or to any district created thereby shall be filed with the *Village* Clerk, with a copy to the *Zoning Administrator*. Such application shall be upon such form and accompanied by such information as shall be required from time to time by the Plan Commission or Board of Trustees.

D. Processing of applications

Upon receipt of an application for an amendment to the zoning Title, the *Village* Clerk shall transmit the application to the *person* who shall transmit the proposed application to the Plan Commission with a copy to the Board of Trustees, with directions to hold a public hearing on the proposed amendment and to make findings and recommendations and forward same to the Board of Trustees.

E. Public Hearing

The Plan Commission shall hold a public hearing on proposed amendments initiated by the Board of Trustees or by the Plan Commission, and on all applications for an amendment by any other *person*. The Plan Commission shall determine the time and place for the hearing. The hearing shall be conducted and a record of the proceedings shall be preserved in such manner and according to such procedures as the Plan Commission shall prescribe from time to time, by rule, provided, however, that all testimony shall be taken under an oath administered by the member of the Plan Commission presiding at the hearing. After the public hearing has been conducted, the Plan Commission shall prepare findings of fact and recommendations with respect to the proposed amendment and transmit the same to the Board of Trustees.

F. Standards

The following standards shall be used to evaluate petitions for text amendments and *rezoning* of land in the *Village*. The petitioner's response must include a brief explanation if a particular standard does not apply to the type of action requested.

1. Compliance with the intent and purpose of this Title;
2. Compliance with the *comprehensive plan*, official map, and all other plans and policies adopted by the *Village*;

**** See Definitions (Chapter 19-01) for terms in italics ****

3. Physical or economic conditions pertaining to the subject area which have changed and which make the existing zoning inappropriate and the proposed *rezoning* appropriate;
4. The proposed zoning is desirable and needed in the *Village*;
5. The proposed *rezoning* is compatible with and would not unduly depreciate the *use* and value of a surrounding property;
6. Contribution to a rational pattern of land *uses* which is beneficial to the *Village*.

G. Notice of Public Hearing

A notice of public hearing on a proposed amendment shall be provided as set forth under 19.13.05.

H. Action by Board of Trustees

If an application for a proposed amendment is not acted upon finally by the Board of Trustees within six (6) months of the date upon which the findings and recommendations of the Plan Commission are filed with the Board of Trustees, it shall be deemed to have been denied.

19.14.020 Amendment of Official Zoning Map

When changes are made in district boundaries or other matter portrayed on the Official *Zoning Map*, such changes shall be entered on the Official *Zoning Map* promptly after the amendment has been approved by the Board of Trustees, with an addendum to the Official *Zoning Map* as follows: "On (insert date) by official action of the Board of Trustees, the following change (changes) were made in the Official *Zoning Map*; (brief description of nature of change)", which entry shall be signed by the *Village* President and attested by the *Village* Clerk. No amendment to this Chapter which involves matters portrayed on the Official *Zoning Map* shall become effective until after such change and addendum thereto has been made to said Map.

19.14.030 Replacement of Official Zoning Map

In the event that the Official *Zoning Map* becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Board of Trustees may pass a resolution to adopt a new Official *Zoning Map* which shall supersede the prior Official *Zoning Map*. The new Official *Zoning Map* may correct drafting errors or other omissions on the prior Official *Zoning Map*, but no such correction shall have the effect of amending the original Official *Zoning Map* or any subsequent amendment thereto. The new Official *Zoning Map* shall be identified by bearing the seal of the *Village* under the following words: "This is to certify that this Official *Zoning Map* supersedes and replaces the Official *Zoning Map* adopted as part of Ordinance No. ____ of the *Village* of Wheeling, Illinois".

APPENDIX A:
USE TABLE

**** See Definitions (Chapter 19-01) for terms in italics****

Title 19, Zoning Code

Village of Wheeling, Illinois

Residential Districts - Permitted and Special Uses

P=Permitted Use, S=Special Use Permit, Blank=Not Allowed					
	R-1 Single-Family Residential District	R-2 Single-Family Residential District	R-3 Single-Family Residential District	R-3A Single-Family Residential District	R-4 Multiple-Family Residential District
Residential Uses					
<i>Single-family Dwelling</i>	P	P	P	P	P
<i>Two-family Dwelling</i>					P
<i>Multi-family Dwelling</i>					P
<i>Home Occupations</i>	P	P	P	P	P
<i>Planned Unit Development</i>					S
<i>Boardinghouse</i>					
<i>Lodginghouse</i>					
Educational Uses					
Daycare, Home ¹	S	S	S	S	S
Daycare Center ²	S	S	S	S	S
School, Elementary or Secondary ²	S	S	S	S	S
Community-Serving Uses					
<i>Adult Day Services</i> ^{2,14}	S	S	S	S	S
<i>Library</i> ²	S	S	S	S	S
<i>Religious Assembly</i> ² (such as churches, synagogues, etc.) with building < 2,500 sq ft	S	P	P	P	S
<i>Religious Assembly</i> ² (such as churches, synagogues, etc.) with building ≥ 2,500 sq ft	S	S	S	S	S
Health Care and Social Assistance Uses					
Nursing Home ²	S	S	S	S	S
Accommodation and Food Service Uses					
<i>Bed and Breakfast</i>	S	S	S	S	S
Entertainment and Recreation Uses					
Public Parks and <i>Open Spaces</i>	S	S	S	S	S
Utility and Public Service Uses					
<i>Substation/Distribution Equipment, Indoor</i>	S	S	S	S	S
<i>Substation/Distribution Equipment, Outdoor</i>	S	S	S	S	S
<i>Transmission Tower</i> ³	S	S	S	S	S
Temporary Uses					
Temporary Real Estate Sales Office	S	S	S	S	S

**** See Definitions (Chapter 19-01) for terms in italics ****

Commercial Districts - Permitted and Special Uses

P=Permitted Use, S=Special Use Permit, Blank=Not Allowed			
	B-1 Planned Shopping Center District	B-2 Neighborhood Commercial District	B-3 General Commercial and Office District
Planned Unit Development			
<i>Planned Unit Development</i>	S	S	S ¹⁵
Educational Uses			
<i>Daycare Center</i>	S	S	S
<i>Recreation and Instruction Facility</i>	S	S	S
<i>Recreation and Instruction Facility - Small</i>	P	P	P
<i>College, University, Trade and Technical School</i>			S
Community-Serving Uses			
<i>Adult Day Services</i> ¹⁴	S	S	S ¹⁴
<i>Community Center</i>	S	S	S
<i>Cultural Institution</i>	S	S	S
<i>Library</i>	S	S	S
<i>Public Safety Facility</i>	S	S	S
<i>Religious Assembly</i> ⁴ (such as churches, synagogues, etc.)		S	S
Commercial and Office Uses			
<i>Artist Studio</i>	P	P	P
<i>Bank or Other Financial Institution</i>	P	P	P
<i>Bank or Other Financial Institution with drive-through</i>	S	S	S
<i>Currency Exchange</i> ⁸	S	S	S
<i>Garden Supply or Landscaping Center</i>	S		S
<i>Ground Transportation Service, Dispatch Office</i>	P	P	P
<i>Home Improvement Center</i>	S		S
<i>Office, General</i>	P	P	P
<i>Office, Government</i>	P	P	P
<i>Outdoor Merchandise Sales</i>	S	S	S
<i>Pawn shop</i>			
<i>Retail Establishment, Adult</i>			
<i>Retail Establishment, Auto Parts</i>	S	S	S
<i>Retail Establishment, General</i> (with gross area of the space occupied by said establishment up to 20,000 square feet)	P	P	P
<i>Retail Establishment, General</i> , (with gross area of the space occupied by said establishment 20,000 square feet and above)	P	S	S
<i>Secondhand Store</i> (not including <i>flea market</i>)	P	P	P
<i>Short-term lending facility</i> ⁸	S	S	S
<i>Sidewalk Sales</i> , accessory to an approved use	P	P	P
Health Care and Social Assistance Uses			
<i>Medical Office</i> (including dental, chiropractic, etc.)	P	P	P
<i>Health Clinic</i> (including dental, chiropractic, <i>urgent care</i> , etc.)	P	S	S
<i>Hospital</i>	S	S	S
<i>Medical Research Laboratory</i>	S		S
<i>Medical Service Facility</i>	S		S
<i>Social Service Facility</i>	S		S
Service Uses			
General Service Uses			
<i>Building Maintenance Service</i>	P		P
<i>Business Service</i>	P		P
<i>Catering Service</i>	S	S	S
<i>Day Spa with submersion pool(s)</i>	S	S	S
<i>Dry Cleaning Establishment (no plant on premises)</i>	P	P	P

**** See Definitions (Chapter 19-01) for terms in italics****

Commercial Districts - Permitted and Special Uses (cont.)

P=Permitted Use, S=Special Use Permit, Blank=Not Allowed			
	B-1 Planned Shopping Center District	B-2 Neighborhood Commercial District	B-3 General Commercial and Office District
<i>Dry Cleaning Establishment (with plant on premises)</i>	S	S	S
<i>Funeral Home</i>	S	S	S
<i>Furniture and Appliance Rental and Leasing</i>	P		P
<i>Household Maintenance and Repair Service</i>	P		P
<i>Laundromat</i>	P	P	P
<i>Personal Service Establishment</i>	P	P	P
<i>Tool/Equipment Rental Facility (Inside Only)</i>	P		P
<i>Tool/Equipment Rental Facility (Any outside display or storage)</i>	S		S
Animal Services			
<i>Animal Boarding Facility</i>	S	S	S
<i>Animal Grooming or Training Facility</i>	S	S	S
<i>Animal Hospital/Clinic</i>	S	S	S
Motor Vehicle Uses			
General Motor Vehicle			
<i>Car Wash</i>	S		S
<i>Drive-through (as an accessory to an approved principal use)</i>	S	S	S
<i>Gas Station / Convenience Store</i>	S	S	S
Parking Uses			
<i>Parking lot, Accessory Use</i>	P	P	P
<i>Parking Lot, Principal Use</i>	S		S
<i>Parking Structure, Accessory Use</i>	P	P	P
<i>Parking Structure, Principal Use</i>	S		S
Light Motor Vehicle			
<i>Repair Facility</i>			S
<i>Rental Facility</i>			S
<i>Sales Facility, new and used vehicles⁵</i>		S	S
<i>Ground Transportation Service, Small</i>		S	S
Accommodation and Food Service Uses			
<i>Assembly Hall</i>	S	S	S
<i>Bed and Breakfast</i>		S	S
<i>Hotel</i>	S		S
<i>Liquor Stores, Package</i>	S	S	S
<i>Restaurant, Fast-food / Carry-out</i>	S	S	S
<i>Restaurant, Sit-down</i>	S	S	S
<i>Tavern</i>	S	S	S
Entertainment and Recreation Uses			
<i>Clubs and Lodges</i>		S	S
<i>Convention and Exposition Center</i>	S		S
<i>Entertainment Establishment, Adult</i>			
<i>Entertainment Establishment</i>	S	S	S
<i>Health Club</i>	S	S	S
<i>Nightclub</i>	S		S
<i>Recreation and Instruction Facility</i>	S	S	S
<i>Recreation and Instruction Facility – Small</i>	P	P	P
<i>Sports and Recreation Facility, Outdoor</i>	S		S
<i>Theater, Indoor</i>	S		S
Utility and Public Service Uses			
<i>Broadcasting or Recording Studio</i>	P	P	P

**** See Definitions (Chapter 19-01) for terms in italics****

Airport District - Permitted and Special Uses

P=Permitted Use, S=Special Use Permit, Blank=Not Allowed		
	AP Airport District (Principal uses)	AP Airport District (Accessory Uses)
Airport Operational Uses		
<i>Airport</i>	P	
Navigational facilities and equipment	P	
Air traffic control facilities and operations	P	
Service and maintenance equipment and operations	P	
Helicopter <i>landing</i> facilities	P	
Passenger terminals	P	
Air Traffic Support Uses		
Public safety facilities	P	
Sale of aircraft, aircraft parts and components, aircraft navigational, radio and other electronic equipment, and pilot accessories and equipment		P
Sale of aircraft oil and fuel		P
Aircraft maintenance and repair, including servicing and repair of navigational, radio, and other electronic equipment		P
Installation of aircraft parts and components, including installation of navigational, radio, and other electronic equipment		P
Storage of aircraft and of aircraft parts and components, including navigational, radio and other electronic equipment		P
Leasing and chartering of aircraft and related equipment		P
Operation of flight training schools and aircraft operation, servicing and maintenance training		P
Motor vehicle parking structures and lots		P
Office, general		P
Automobile rental facilities with fewer than fifteen (15) cars		P
Ground transportation service, including cab and bus storage and maintenance facilities ⁶	S	
Other Uses		
Restaurant (sit down, fast food, carry out)	S	
Automobile rental facilities with fifteen (15) or more cars	S	
Hotels	S	
<i>Nightclub</i>	S	
<i>Entertainment Establishment</i>	S	

**** See Definitions (Chapter 19-01) for terms in italics ****

Mixed Use Districts - Permitted and Special Uses

P=Permitted Use, S=Special Use Permit, Blank=Not Allowed				
	MXC	MXT	MXO	MXI
	Commercial- Residential Mixed Use Area	Transit Oriented Mixed Use District	Open Space- Residential Mixed Use District	Mixed Use Industrial
Planned Unit Development				
<i>Planned Unit Development</i>	S	S		S
Residential Uses				
<i>Single-family Dwelling</i>			P	
<i>Two-family Dwelling</i>			P	
<i>Multi-family Dwelling</i>	P	P	P	P
<i>Home Occupations</i>	P	P	P	P
Educational Uses				
<i>Daycare, Home¹</i>	S	S	S	S
<i>Day Care Center</i>	S	S	S ²	S
<i>Day care</i> (as an accessory to an approved principal use)				P
<i>School, Elementary or Secondary</i>	S	S	S ²	S
<i>College, University, Trade and Technical School</i>	S	S		S
<i>Recreation and Instruction Facility</i>	S	S		S
<i>Recreation and Instruction Facility - Small</i>	P	P		P
Community-Serving Uses				
<i>Adult Day Services</i>	S	S	S	S
<i>Community Center</i>	S	S		S
<i>Cultural Institution</i>	S	S		S
<i>Library</i>	S	S	S ²	S
<i>Public Safety Facility</i>	S	S		S
<i>Religious Assembly</i> (such as churches, synagogues, etc.)	S ⁴	S ⁴	S ²	
Commercial and Office Uses				
<i>Artist Studio</i>	P	P		P
<i>Bank or Other Financial Institution</i>	P	P		P
<i>Bank or Other Financial Institution</i> with drive through	S	S		S
<i>Currency Exchange⁸</i>	S	S		S
<i>Farmers' Market¹²</i>		S		
<i>Garden Supply or Landscaping Center</i>	S	S		S
<i>Ground Transportation Service, Dispatch Office</i>	P	P		P
<i>Home Improvement Center</i>	S	S		S
<i>Office, General</i>	P	P		P
<i>Office, Government</i>	P	P		S
<i>Outdoor Merchandise Sales</i>	S	S		S
<i>Retail Establishment, Auto Parts</i>	S	S		S
<i>Pawn Shop</i>				
<i>Retail Establishment, General</i> (with gross area of the space occupied by said establishment up to 20,000 square feet)	P	P		P
<i>Retail Establishment, General</i> , (with gross area of the space occupied by said establishment 20,000 square feet and above)	S	S		S
<i>Secondhand Store</i> (not including flea market)	P	P		P
<i>Sidewalk Sales</i> , accessory to an approved use	P	P		P
<i>Short term lending facility⁸</i>	S	S		S

**** See Definitions (Chapter 19-01) for terms in italics ****

Mixed Use Districts - Permitted and Special Uses (cont.)

P=Permitted Use, S=Special Use Permit, Blank=Not Allowed				
	MXC	MXT	MXO	MXI
	Commercial- Residential Mixed Use Area	Transit Oriented Mixed Use District	Open Space- Residential Mixed Use District	Mixed Use Industrial
Health Care and Social Assistance Uses				
<i>Medical Office</i> (including dental, chiropractic, etc.)	P	P		P
<i>Health Clinic</i> (including dental, chiropractic, etc.)	S	S		P
<i>Hospital</i>	S	S		S
<i>Medical Research Laboratory</i>	S	S		S
<i>Medical Service Facility</i>	S	S		S
<i>Nursing Home</i>	S	S	S ²	S
<i>Social Service Facility</i>	S	S		S
Service Uses				
General Service Uses				
<i>Building Maintenance Service</i>	P	P		S
<i>Business Service</i>	P	P		S
<i>Catering Service</i>	S	S		S
<i>Day Spa with submersion pool(s)</i>	S	S		S
<i>Dry Cleaning Establishment (no plant on premises)</i>	P	P		P
<i>Dry Cleaning Establishment with plant on premises</i>	S	S		S
<i>Funeral Home</i>	S	S		S
<i>Furniture and Appliance Rental and Leasing</i>	S	S		S
<i>Household Maintenance and Repair Service</i>	P	P		S
<i>Laundromat</i>	P	P		P
<i>Personal Service Establishment</i>	P	P		P
<i>Psychic Readings</i>				
<i>Tool/Equipment Rental Facility (Inside Only)</i>	P	P		S
<i>Tool/Equipment Rental Facility (Any outside display or storage)</i>	S	S		S
Animal Services				
<i>Animal Boarding Facility</i>	S	S		S
<i>Animal Grooming or Training Facility</i>	S	S		S
<i>Animal Hospital/Clinic</i>	S	S		S
Motor Vehicle Uses				
General Motor Vehicle				
<i>Car Wash</i>	S	S		S
<i>Drive-through</i> (accessory to an approved principal use)	S	S		S
<i>Gas Station / Convenience Store</i>	S	S		S
<i>Snow Plow Contractor's Storage Yard</i>				S
Light Motor Vehicle Uses				
<i>Body Shop</i>				
<i>Outdoor Storage</i>				
<i>Rental Facility</i>	S	S		S
<i>Repair Facility</i>	S	S		
<i>Sales Facility, new and used vehicles⁵</i>	S	S		
<i>Sales Facility, Fully Enclosed</i>				P
Heavy Motor Vehicle Uses				
<i>Body Shop</i>				
<i>Outdoor Storage</i>				
<i>Rental Facility</i>				
<i>Repair Facility</i>				S
<i>Sales Facility</i>				S

**** See Definitions (Chapter 19-01) for terms in italics ****

Mixed Use Districts - Permitted and Special Uses (cont.)

P=Permitted Use, S=Special Use Permit, Blank=Not Allowed				
	MXC	MXT	MXO	MXI
	Commercial- Residential Mixed Use Area	Transit Oriented Mixed Use District	Open Space- Residential Mixed Use District	Mixed Use Industrial
Parking Uses				
<i>Heavy Motor Vehicle Parking Lot, Accessory Use</i>				
<i>Parking Lot, Accessory Use</i>	P	P		P
<i>Parking Lot, Principal Use</i>	S	S		S
<i>Parking Structure, Accessory Use</i>	P	P		P
<i>Parking Structure, Principal Use</i>	S	S		S
Accommodation and Food Service Uses				
<i>Assembly Hall</i>	S	S		S
<i>Bed and Breakfast</i>	S	S	S	S
<i>Hotel</i>	S	S		S
<i>Liquor Stores, Package</i>	S	S		S
<i>Restaurant, Fast-food / Carry-out/ Sit-down</i>	S	S		S
<i>Tavern</i>	S	S		S
Entertainment and Recreation Uses				
<i>Clubs and Lodges</i>	S	S		S
<i>Convention and Exposition Center</i>	S	S		S
<i>Health Club</i>	S	S		S
<i>Public Parks and Open Spaces</i>	S	S	S	S
<i>Nightclub</i>	S	S		S
<i>Entertainment Establishment</i>	S	S		S
<i>Recreation and Instruction Facility</i>	S	S		S
<i>Recreation and Instruction Facility – Small</i>	P	P		P
<i>Sport and Recreation Facility, Outdoor</i>	S	S		S
<i>Theater, Indoor</i>	S	S		S
Storage, Recycling, and Wholesale Trade Uses				
<i>Wholesale and Distribution Facility, Indoor</i>				P
<i>Wholesale and Distribution Facility, Outdoor</i>				S
<i>Hazardous Materials</i>				S
<i>Warehouse</i>				P
Transportation Uses				
<i>Ambulance Service</i>				S
<i>Ground Transportation Service, Small</i>				S
<i>Passenger Terminal</i>				S
Industrial Uses				
<i>Contractor's Shop</i>				P
<i>Manufacturing, Light</i>				P
<i>Research and Development</i>				P
Utility and Public Service Uses				
<i>Broadcasting or Recording Studio</i>	P	P		S
<i>Substation/Distribution Equipment, Indoor</i>	S	S	S	P
<i>Substation/Distribution Equipment, Outdoor</i>	S	S	S	S
<i>Transmission Tower³</i>	S	S	S	S
<i>Water Treatment Plant</i>	S	S		S
Temporary Uses				
<i>Temporary Real Estate Sales Office</i>	S	S	S	S

**** See Definitions (Chapter 19-01) for terms in italics****

Industrial Districts - Permitted and Special Uses

P=Permitted Use, S=Special Use Permit, Blank=Not Allowed				
	I-1 Light Industrial and Office District	I-2 Limited Industrial District	I-3 General Industrial District	I-4 Heavy Industrial District
Educational Uses				
<i>College, University, Trade and Technical School</i>	S	S	S	
<i>Daycare</i> (as an accessory to an approved <i>principal use</i>)	P	P	P	P
Community-Serving Uses				
<i>Adult Day Services</i> ¹⁴				
<i>Public Safety Facility</i>	S	S	S	S
<i>Religious Assembly</i> ⁷ (such as churches, synagogues, etc.)	S			
Commercial and Office Uses				
<i>Home Improvement Center</i>	S			
<i>Office, General</i>	P	P	P	S
<i>Office, Government</i>	P	P		
<i>Pawn shop</i>		S	S	
<i>Retail Establishment, Adult</i>			S	S
Health Care and Social Assistance Uses				
<i>Health Clinic</i> (including dental, chiropractic, <i>urgent care</i> , etc.) (as an accessory to an approved <i>principal use</i>)	P	P	P	P
<i>Medical Office</i> (including dental, chiropractic, etc.)	P			
<i>Hospital</i>	S	S	S	S
<i>Medical Cannabis Dispensary</i>	S	S	S	
<i>Medical Cannabis Cultivation Center</i>		S	S	
Service Uses				
General Service Uses				
<i>Building Maintenance Service</i>	S			
<i>Business Service</i>	S			
<i>Catering Service</i>	P	P	P	
<i>Household Maintenance and Repair Service</i>	S			
<i>Psychic Readings</i>	S			
<i>Tool/Equipment Rental Facility</i> (Inside Only)	S			
<i>Tool/Equipment Rental Facility</i> (Any outside display or storage)	S			
Motor Vehicle Uses				
General Motor Vehicle Uses				
<i>Car Wash</i>	S			
<i>Drive-through Facility</i> (as an accessory to an approved <i>principal use</i>)	S			
<i>Gas Station/Convenience Store</i>	S			
<i>Motor Vehicle Transport Facility</i>		S	S	
<i>Compressed Natural Gas (CNG) Fueling Station</i>			S	
<i>Fueling station</i> (gasoline or CNG) – accessory to permitted use			P	P
<i>Snow Plow Contractor's Storage Yard</i>	S	S	S	S
<i>Truck Filling Depot</i>				S
Parking Uses				
<i>Heavy Motor Vehicle Parking Lot, large</i> ¹¹	S	S	P	P
<i>Heavy Motor Vehicle Parking Lot, small</i> ¹¹	P	P	P	P
<i>Parking Lot, Principal Use</i>	S	S	S	S
<i>Parking Lot, Accessory Use</i>	P	P	P	P
<i>Parking Structure, Principal Use</i>	S	S	S	S
Light Motor Vehicle Uses				
<i>Body Shop</i>			S ⁹	
<i>Outdoor Storage</i>		S	S	S
<i>Rental Facility</i>	S			
<i>Repair Facility</i>			S ⁹	

**** See Definitions (Chapter 19-01) for terms in italics ****

Industrial Districts - Permitted and Special Uses (cont.)

P=Permitted Use, S=Special Use Permit, Blank=Not Allowed				
	I-1 Light Industrial and Office District	I-2 Limited Industrial District	I-3 General Industrial District	I-4 Heavy Industrial District
<i>Sales Facility, new and used vehicles</i> ⁵	S			
<i>Sales Facility, Fully Enclosed</i>	P	P	P	
<i>Heavy Motor Vehicle Uses</i>				
<i>Body Shop</i>			S	S
<i>Outdoor Storage</i>			S	S
<i>Rental Facility</i>			S	S
<i>Repair Facility</i>			S	S
<i>Sales Facility</i>			S	S
<i>Entertainment and Recreation Uses</i>				
<i>Clubs and Lodges</i>	S	S		
<i>Entertainment Establishment, Adult</i>			S	S
<i>Recreation and Instruction Facility</i> ¹³	S	S	S	
<i>Recreation and Instruction Facility – Small</i> ¹³	P	P	S	
<i>Sports and Recreation Facility, Outdoor</i>	S	S		
<i>Storage, Recycling, and Wholesale Trade Uses</i>				
<i>Mixed-waste Processing Facility</i>		S	S	S
<i>Recycling Collection Facility</i>		S	S	S
<i>Salvage Operation, Indoor</i>			S	S
<i>Warehouse</i>	P	P	P	P
<i>Wholesale and Distribution Facility, Indoor</i>	P	P	P	P
<i>Wholesale and Distribution Facility, Outdoor</i>	S	S	S	S
<i>Storage Facilities</i>				
<i>Hazardous Materials</i>	S	S	S	S
<i>Outdoor, ≥ 400 sq ft in total area</i> ¹⁰		S	S	S
<i>Outdoor, < 400 sq ft in total area</i> ¹⁰	S	P	P	P
<i>Self-Storage Facility</i>			S	S
<i>Transfer Station</i>			S	
<i>Transportation Uses</i>				
<i>Ambulance Service</i>	S			
<i>Ground Transportation Service, Large</i>	S	S	S	
<i>Ground Transportation Service, Small</i>	S	P		
<i>Passenger Terminal</i>	S			
<i>Truck Freight Terminal</i>			S	S
<i>Industrial Uses</i>				
<i>Contractor's Shop</i>	P	P	P	P
<i>Contractor's Yard</i>			S	S
<i>Manufacturing, Heavy</i>			S	S
<i>Manufacturing, Medium</i>		P	P	P
<i>Manufacturing, Light</i>	P	P	P	P
<i>Research and Development</i>	P	P	P	P
<i>Utility and Public Service Uses</i>				
<i>Broadcasting or Recording Studio</i>	S	S	S	S
<i>Substation/Distribution Equipment, Indoor</i>	P	P	P	P
<i>Substation/Distribution Equipment, Outdoor</i>	S	S	P	P
<i>Transmission Tower</i> ³	S	S	S	S
<i>Water Treatment Plant</i>	S	S	P	P
<i>Animal Services</i>				
<i>Animal Boarding Facility</i>	S	S		
<i>Animal Grooming or Training Facility</i>	S	S		
<i>Animal Hospital/Clinic</i>	S			

**** See Definitions (Chapter 19-01) for terms in italics****

Notes referenced in Appendix A, Use Table

1. New home daycare facilities must be located a minimum of 1/8th mile from any existing home daycare facility unless a *variation* is obtained.
2. Minimum lot size 2.0 acres. Side setbacks: 80' total, 30' minimum plus 1' for every 1' by which building height exceeds 30'. Site plan review required.
3. To be considered a Permitted Use on property that is owned by the Village of Wheeling provided a license or lease agreement authorizing such wireless communication facilities has been approved by the Village.
4. Minimum principal building size 10,000 square feet.
5. Outdoor display area is limited to two (2) square feet for every one square foot of indoor sales area. Motor vehicle sales are limited to lots five acres or more in area.
6. Provided that all bulk oil, gasoline and waste shall be stored in underground tanks, and that all maintenance, repair work and painting shall be performed in an enclosed building.
7. Minimum principal building size 15,000 square feet.
8. Actual interest rates and required fees shall be prominently displayed.
9. Minimum lot size 1 acre (43,560 sq ft). Minimum distance from residential property is 300 ft. Minimum lot coverage (building footprint / lot area) is 20%. Opaque screening with a minimum height of 8.0' shall be required for all outdoor storage. The location and visibility of outdoor storage shall be considered in the Special Use review process.
10. If listed as "permitted," minor site plan and appearance approval is required. Opaque screening with a minimum height of 8.0' required. Surface must be paved. Freight container storage subject to Fire Code.
11. Shall be accessory to business located on the same property. Does not include construction equipment. Small heavy motor vehicle parking lot may include up to ten vehicles, of which no more than four may exceed thirty (30') in length.
12. To be considered a Permitted Use on property that is owned by a government entity provided that the required permits have been approved by the Village. Minor site plan approval required.
13. The character of the location (industrial vs. office) and type of facility (age of students, etc.), shall be considered in the Special Use review process.
14. Shall be located a minimum of 500' from any Runway Protection Zone or Transition Area.

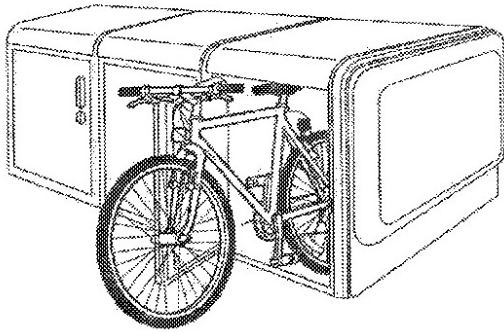
May include Residential as described Section 19.06.010 B3.

**** See Definitions (Chapter 19-01) for terms in italics ****

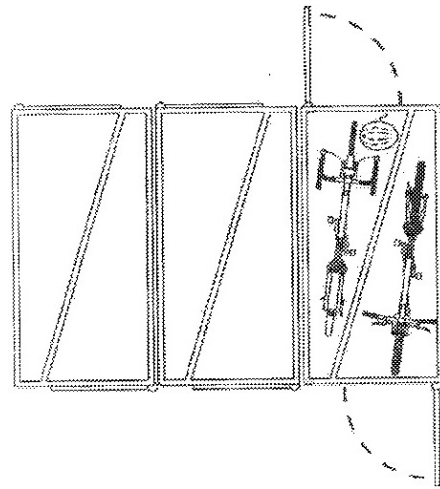
APPENDIX B:
BICYCLE PARKING ILLUSTRATIONS

**** See Definitions (Chapter 19-01) for terms in italics ****

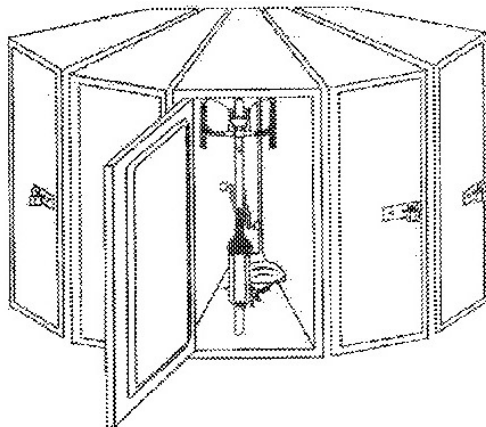
Figure 1: Acceptable Bike Locker Designs
 Lockers that properly secure bicycles



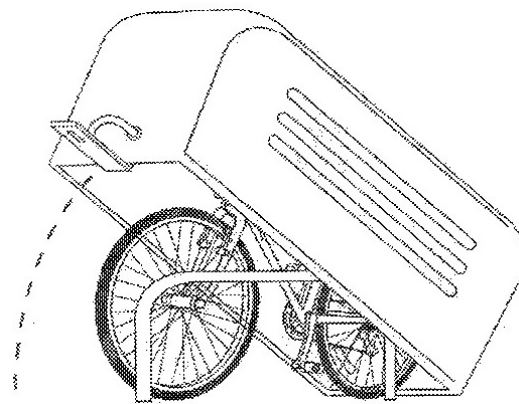
Bank of lockers



Cutaway view from above



Vertical bike locker

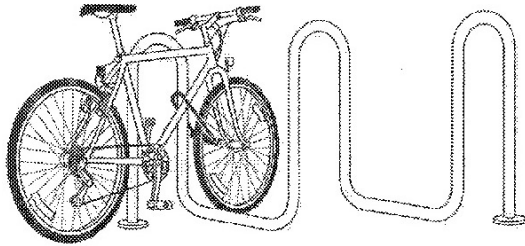


Hinged cover bike locker

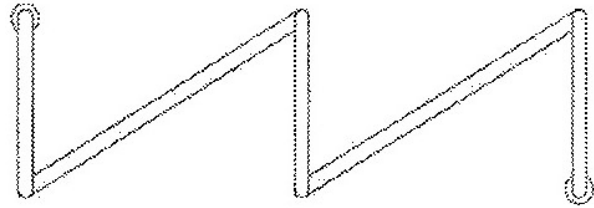
**** See Definitions (Chapter 19-01) for terms in italics****

Figure 2: Acceptable Bike Rack Designs with Two-Point Support

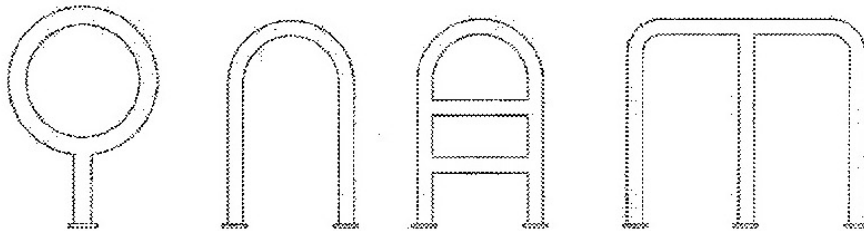
Designs with two-point, “flat panel” support allow for easy access and locking of frame and two wheels. There are no sharp edges presented to pedestrians.



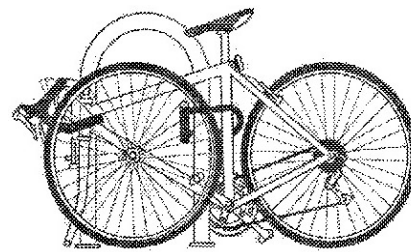
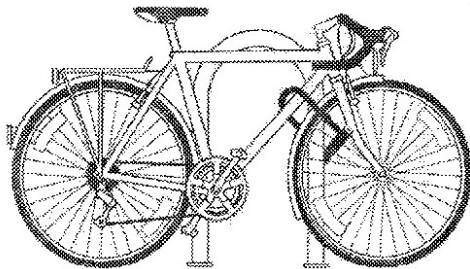
Rack with two-point ‘flat panel’ support



Same rack as seen from above



Other acceptable bike rack designs with two-point ‘flat panel’ support

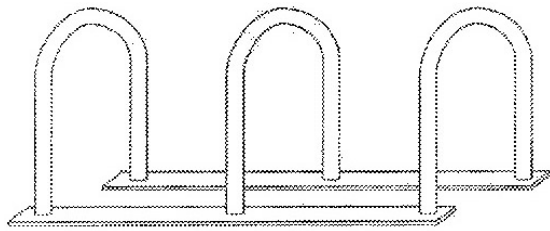


Bikes locked to racks with two-point ‘flat panel’ support.

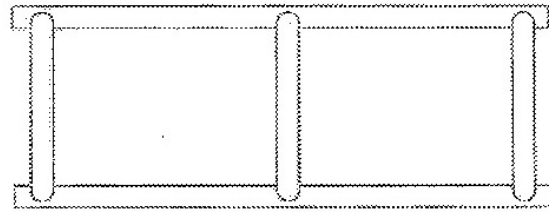
**** See Definitions (Chapter 19-01) for terms in italics****

Figure 3: Additional Racks with Two-point Support

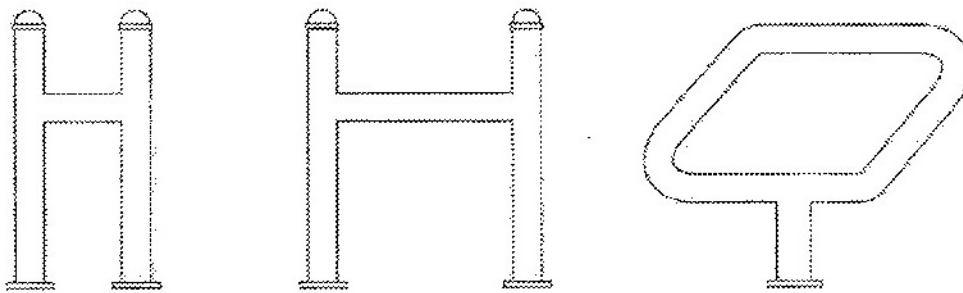
Designs with two-point, “flat panel” support allow for easy access and locking of frame and two wheels. There are no sharp edges presented to pedestrians.



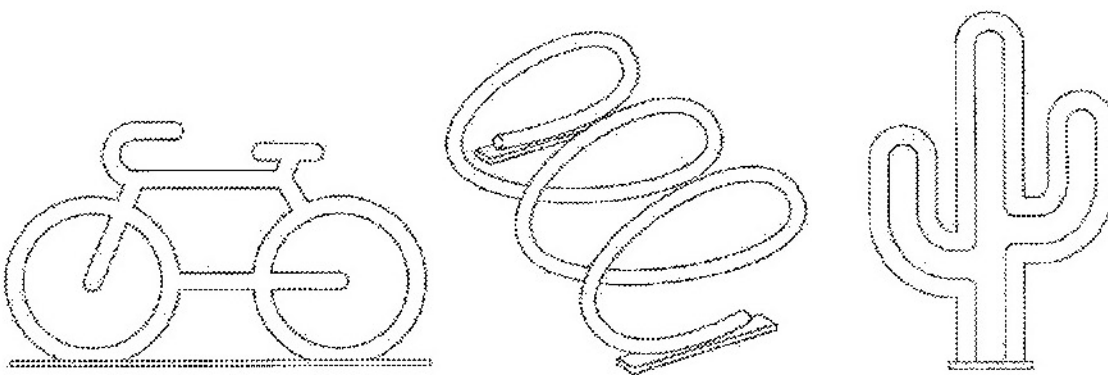
Side view



Top view



Additional rack designs that offer two-point support

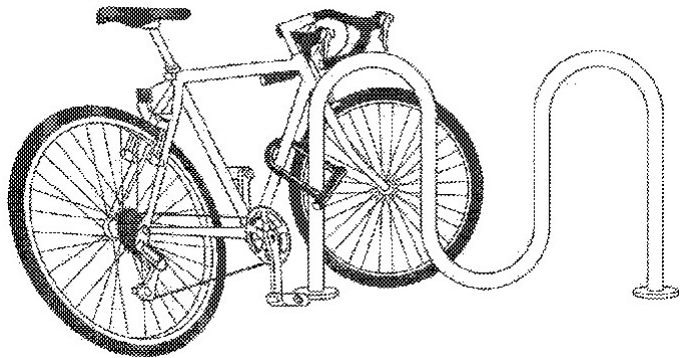


Artistic racks that offer two-point support

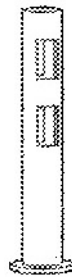
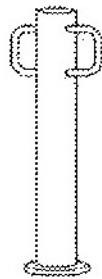
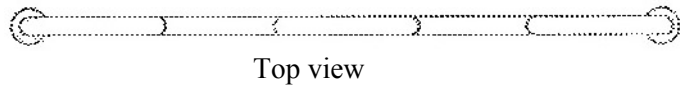
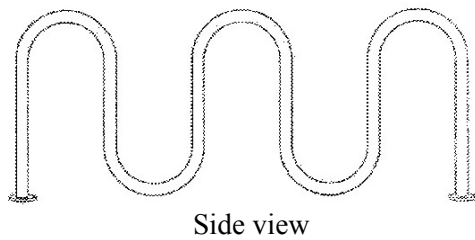
**** See Definitions (Chapter 19-01) for terms in italics****

Figure 4: Unacceptable Bike Rack Designs

These designs do not provide two-point support for bicycles.



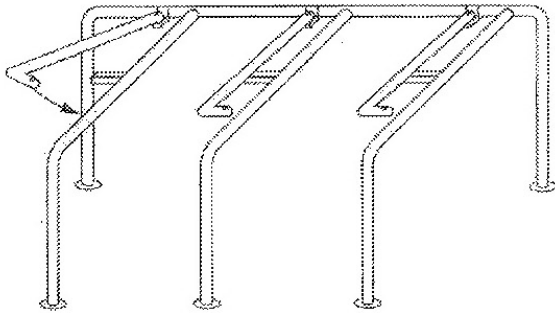
Bicycles can fall easily, damaging the bike or other property.



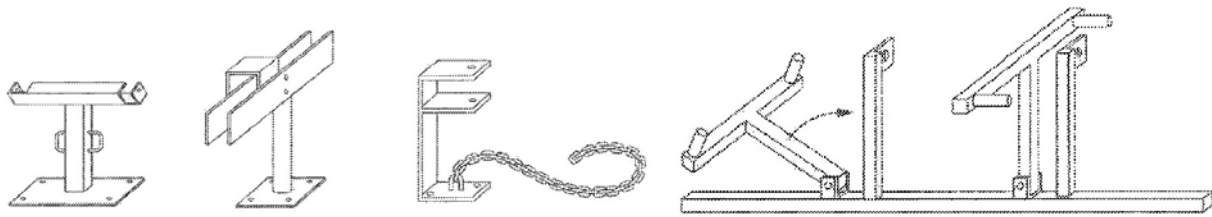
Single post bike racks can be hazardous to visually-impaired pedestrians.

**** See Definitions (Chapter 19-01) for terms in italics****

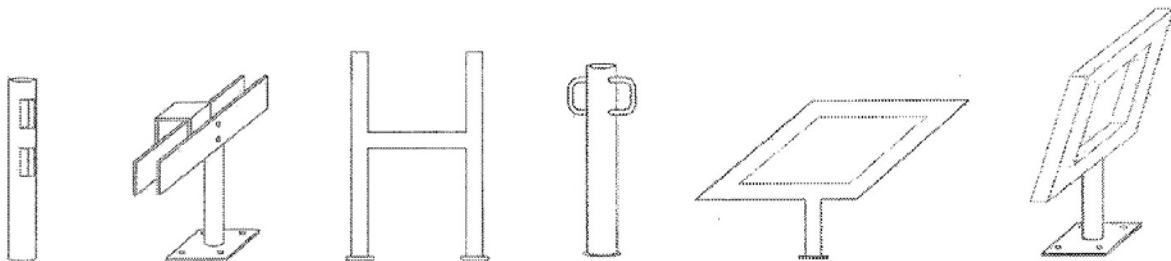
Figure 5: Obsolete and Hazardous Bike Rack Designs



Obsolete rack only supports bikes with traditional frames. Modern bikes cannot be locked to this rack.

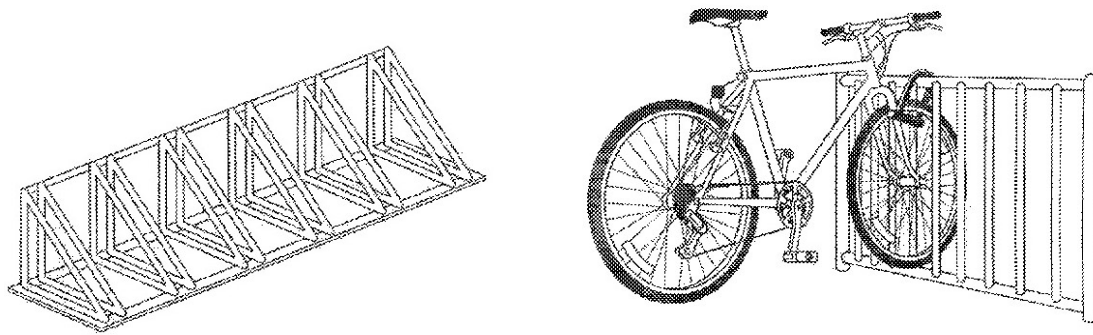


Racks with sharp edges can damage bikes and are hazardous to visually impaired pedestrians.



Additional hazardous and unacceptable bike rack designs.

Figure 6: Bike Racks that Damage Bikes and Allow for Theft



These racks only allow locking of one wheel. Rims are easily bent and bikes are more easily stolen with these designs.

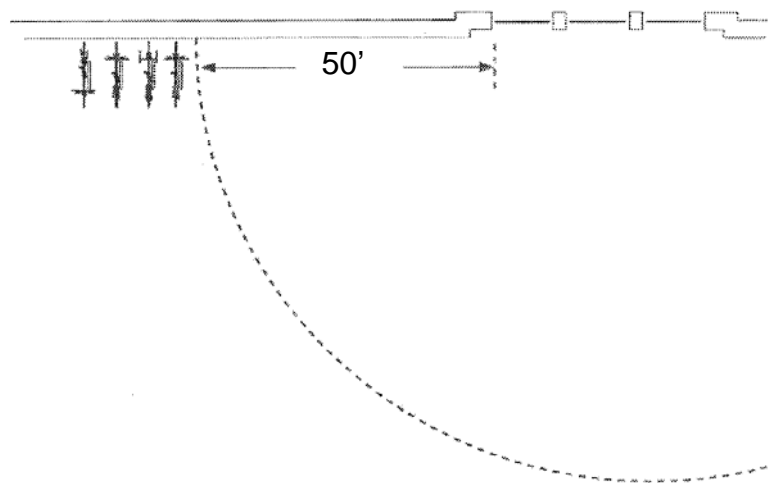
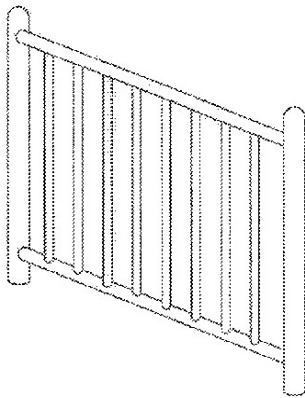
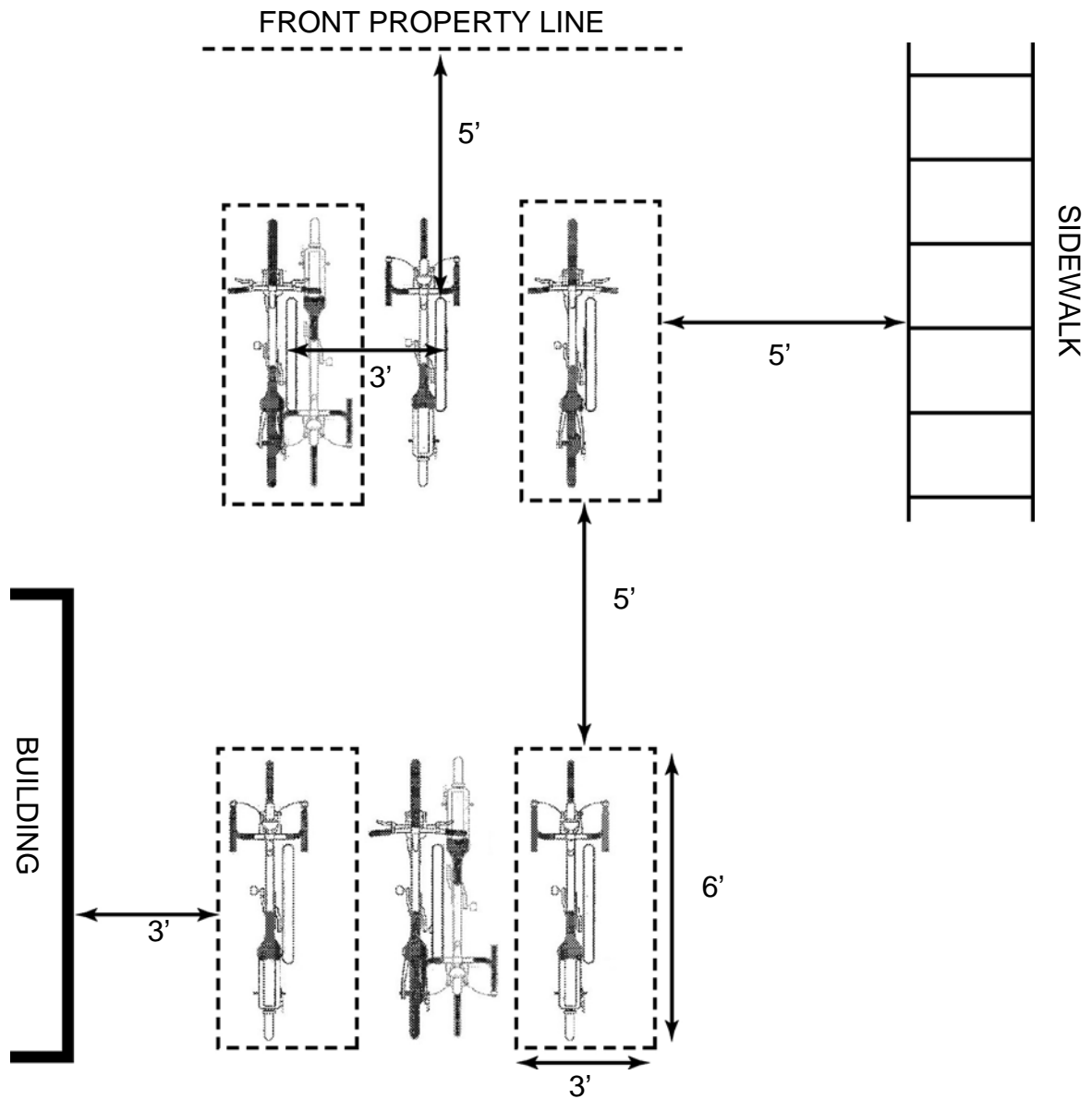


Figure 7: Maximum Distance to Entrances

**** See Definitions (Chapter 19-01) for terms in italics****

Figure 8: Bike Parking Space Dimensions (Open Bike Parking)
Minimum dimensions and clearance for bike parking spaces.



**** See Definitions (Chapter 19-01) for terms in italics****

APPENDIX C:
PLANNED UNIT DEVELOPMENTS AND OTHER
DEVELOPMENTS WITH SPECIAL LEGISLATION

Planned Developments and PUDs

The following is a list of the planned developments and PUDs in the Village of Wheeling. Unless otherwise noted, the number for each development corresponds to a number on the zoning map. The Village of Wheeling first adopted a PUD approval process on March 20, 1998 (Ordinance 3284). Prior to the adoption of the PUD approval process, many larger multi-family developments were constructed in the Village of Wheeling. These developments are referred to as “planned developments” in the Zoning Code to distinguish them from PUDs (see Chapter 19-01 Definitions and Chapter 19-09 Planned Unit Developments).

1. Tahoe Village

Rezoning: Previously PD-4 (was R-1, then R-3 and R-4, then PD-4)

Size of Site: 79.5 acres

Type of Development: 453 townhomes

Density: 5.75 du/ac

Legislation:

Rezone R-1 to R-3 & R-4

Ordinance No. 871 (1966)

Rezone R-1 to R-3 & R-4

Ordinance No. 928 (1967)

Rezone to PD-4

Ordinance No. 1084 (1970)

2. Fairway Greens

Rezoning: Previously PD-4 (was R-1, then R-4, then PD-4)

Size of Site: 16.2 acres

Type of Development: 252 rental apartments

Density: 15.56 du/ac

Legislation:

Rezone R-1 to R-4 (Ordinance No. 999, 1.27.1969)

Rezone R-4 to PD-4 (Ordinance No. 1039, 10.27.1969)

Site plan approval in conjunction with Condominium Conversion (Ordinance 3975, 4.14.2005)
April 14, 2005)

3. Mallard Lake

Rezoning: R-4 to PD-4

Size of Site: 32.3 acres

Type of Development: 478 rental apartments

Density: 14.8 du/ac

Legislation:

Site plan approval (Ordinance 867, 1966)

Rezone R-4 to PD-4 (Ordinance 984, 1968)

4. Whippletree

Rezoning: Rezoned from I-1 and I-3 to PD-4 Ordinance No. 1095 (8.17.1970)

Size of Site: 54.7 acres

Type of Development: 453 Mobile Homes

Density: 8.28 du/ac

5. Sandpebble Walk

Rezoning:

Size of Site: 23.7 acres

Type of Development: 364 condominiums

Density: 15.36 du/ac

Legislation:

Site plan approval (Ordinance 1090, 1971)

6. Lakeside Villas

Rezoning: R-3 to PD-4

Size of Site: 28 acres

Type of Development: 242 townhomes

Density: 8.64 du/ac

Legislation:

Site plan approval (Ordinance 1076, 1971)

7. Cedar Run

Rezoning: R-1 to PD-4

Size of Site: 39.3 acres

Type of Development: 415 single-family attached (arranged in quadrplexes)

Density: 10.56 du/ac

Legislation:

Site plan approval (Ordinance 1088, Sept. 1971)

8. Pleasant Run

Rezoning:

Size of Site: 9.1 acres

Type of Development: 145 units, single-family attached

Density: 15.93 du/ac

Legislation:

Subdivision recorded 2.16.1972

9. Lake of the Winds

Rezoning: R-1 to PD-4

Size of Site: 19.9 acres

Type of Development: 195 townhomes and 75 unit condo building

Density: 13.57 du/ac

Legislation:

Rezone R-1 to PD-4 (Ordinance 1202, 8.7.1972)

10. Shadowbend

Rezoning: was previously zoned PD-4

Size of Site: 22.4 acres

Type of Development: 223 townhomes

Density: 9.96 du/ac

Legislation:

Preliminary Plat Approval (10.9.1972)

Final Plat Approval (12.26.1972)

Revised Site Plan Approval (increase garage sizes) (4.7.1975)

Revised Site Plan Approval (reduction in width and relocation of service walks) (4.19.1976)

Revised Plat Approval (construction of pool and club house) (9.29.1977)

11. Harmony Village

Rezoning: Rezoned from R-1 to PD-4 (Petition of Chicago Title and Trust Co. 12.1.1972)

Size of Site: 26.2 acres

Type of Development: 225 townhomes

Density: 8.59 du/ac

Legislation: (Dates are based upon Plan Commission Approval. Village Board information was not contained in the files.)

Annexation to Village of Wheeling - Ordinance No. 1220 (11.20.1972)

Preliminary Plat Approval (Nature's Way) (12.8.1972)

Final Plat Approval (Nature's Way) (12.21.1972)
Certificate of Correction (correction of parcel measurements) (6.13.1974)
Site Plan Change (Entry pylons, landscape plan) (11.20.1975)
Plat of Correction of part of Harmony Village (reflect as built units and as sold parcels) (2.13.1979)
Site Plan Change (Relocation of bldgs. 40 and 41) (4.28.1977)
Plat of Correction of part of Harmony Village (measurement errors in the field during construction, which were found after units sold) (2.20.1979)

12. Foxboro

Rezoning: Rezoned from R-1 to PD-4 - Ordinance No. 1224 (12.18.1972)
Size of Site: 22 acres
Type of Development: 400 rental apartments
Density: 18.18 du/ac
Legislation:
Density variations Ordinance No. 1224 (12.18.1972)

13. Pine Hill

Rezoning: Rezoned from R-1 to PD-4 - Ordinance No. 1225 (12.26.1972)
Size of Site: 10.9 acres
Type of Development: 264 rental apartments
Density: 24.22 du/ac
Legislation:
Time limit extension to begin construction after rezoning-two years - Ordinance No. 1330 (12.2.1974)
Variation to density and side yard setbacks Ordinance No. 1238 (3.12.1973)

14. Forums

Rezoning: B-1 to PD-4
Size of Site: 9.4 acres
Type of Development: 152 rental apartments
Density: 16.17 du/ac
Legislation:
Rezoned B-1 to PD-4 (Ordinance 1188, 5.23.1974)

15. Dougherty's Shamrock

Rezoning: Previously zoned PD-3
Size of Site: 8.42 acres
Type of Development: 40 single family homes
Density: 4.75 du/ac
Legislation:
Multiple variations to permit single family construction (Ordinances 1501 and 1502, 8.8.1972)

16. Winetree (aka Wheeling Park Apartments)

Rezoning: Previously zoned PD-4
Size of Site: 11.0 acres
Type of Development: 150 rental apartments
Density: 13.64 du/ac
Legislation:
Subdivision recorded 2.16.1978

17. Lexington Commons

Rezoning: was previously zoned PD-4 (a portion was rezoned from PD-4 to B-1 in 1977)
Size of Site: 58.1 acres
Type of Development: 564 coachhouse condominiums

Density: 9.71 du/ac
Legislation:
Site Plan Approval (4.3.1978)
Final Plat Approval-Unit 1(4.3.1978)
Final Plat Approval-Unit 2(5.7.1979)

18. Malibu

Rezoning: was previously zoned PD-4
Size of Site: 22 acres
Type of Development: 180 townhomes
Density: 8.18 du/ac
Legislation:
Preliminary Plat Approval-Formerly Unit 3 Tahoe Village (7.17.1978)
Final Plat Approval-Malibu (1.2.1979)

19. Chelsea Cove

Rezoning: was previously zoned PD-4
Size of Site: 52.2 acres
Type of Development: 268 condominiums
Density: 5.13 du/ac
Legislation:
Variations from Title 19 (lot area, side yards) (10.16.1978)
Variations from Title 17 (row width, sidewalks) (10.16.1978)
Preliminary Plat Approval (undeveloped portion) (10.16.1978)
Final Plat Approval (9.30.1982)

20. Lexington Commons II (aka Springview Manor)

Rezoning: was previously zoned PD-4
Size of Site: 14.6 acres
Type of Development: 88 townhomes
Density: 8.15 du/ac
Legislation:
Variations to Title 19 - Ordinance No. 1751 (6.1.1981)
Variations to Title 17 (cul-de-sac diameter, sidewalks and trees) - Ordinance No. 1752 (6.3.1981)
Approved Site Plan - Ordinance No. 1753 (6.3.1981)

21. Woodland Creek

Zoning: Rezoned from I-1 and I-2 to PD-4 - Ordinance No. 2196 (9.23.1985)
Size of Site: 53 acres
Type of Development: 640 rental apartments
Density: 12.08 du/ac
Legislation:
Site Plan Approval Woodland Creek Development - Ordinance No. 1801 (10.5.1981)
Revised Site Plan - Ordinance No. 1920 (11.1.1982)
Revised Site Plan - Ordinance No. 1995 (9.6.1995)
Variation density, building height, and site plan approval - Ordinance No. 2207 (10.21.1985)
Lot, setback, and building requirements - Ordinance No. 2198 (9.23.1985)
Parking variation - Ordinance No. 2208 (10.21.1985)

22. Arlington Club

Rezoning: Rezoned from R-1 to PD-4 and R-1 to B-2
Ordinance No. 2122 (12.17.1984)
Size of Site: 126 acres
Type of Development: 974 townhomes
Density: 7.76 du/ac

Legislation:

Variations from Title 17 - Ordinance No. 2124 (12.17.1984)
Site Plan Approval - Ordinance No. 2125 (12.17.1984)
Variations (front setback and parking) - Ordinance No. 2123 (12.17.1984)
Preliminary Plat Approval - Resolution No. 85-76 (6.17.1985)
Final Plat Approval-Unit 1 - Resolution No. 85-137 (10.7.1985)
Variation (street lighting) - Ordinance No. 2214 (11.4.1985)
Variation (allow single-family townhomes in PD-4) - Ordinance No. 2216 (11.4.1985)
Amendment to Ord. No. 2125 (Site Plan Approval) - Ordinance No. 2215 (11.4.1985)
Final Plat Approval-Unit 2 - Resolution No. 86-119 (7.21.1986)
Final Plat Approval-Unit 3 - Resolution No. 86-133 (8.18.1986)
Final Plat Approval-Unit 4 - Resolution No. 87-24 (2.17.1987)

23. Ridgefield

Rezoning: was previously zoned PD-4

Size of Site: 7.6 acres

Type of Development: 68 townhomes

Density: 8.95 du/ac

Legislation:

Variation subdivision standards - Ordinance No. 2176 (8.5.1985)
Site Plan Approval - Ordinance No. 2177 (8.5.1985)
Variation (multi-type unit, front setbacks, rv parking) - Ordinance No. 2175 (8.5.1985)
Final Plat Approval-Ridgefield Dev. Unit Two - Resolution No. 85-63 (6.3.1985)

24. Polo Run

(Only the multi-family portion of the development would be affected.)

Rezoning: Rezoned from R-1 to R-3 and PD-4 - Ordinance No. 2160 (6.3.1985)

Size of Site: Townhome portion 17.4 acres/31.3 single-family

Type of Development: 132 townhomes/130 single-family

Density: 7.59 du/ac townhomes

Legislation:

PD-4 development and site plan approval - Ordinance No. 2164 (10.21.1985)
Repeal Ord. No. 2164 - Ordinance No. 2211 (6.17.1985)
Lot setback and building requirements for PD-4 and R-3 - Ordinance No. 2162 (6.17.1985)
Preliminary Plat Approval - Resolution No. 85-74 (6.17.1985)
Final Plat Approval of Subdivision - Resolution No. 85-149 (11.4.1985)

25. Kingsport Commons

Rezoning: Rezoned from R-1 to PD-4 - Ordinance No. 1223

Size of Site: 14.6 acres

Type of Development: 105 townhomes

Density: 7.19 du/ac

Legislation:

Variations lot, density, setback for PUD development - Ordinance No. 2239 (3.17.1986)
Preliminary Development Plan - Resolution No. 86-46 (3.17.1986)

26. Brookvale

Rezoning: Rezoned from R-1, B-2, I-3 to PD-3 - Ordinance No. 2766 (1.6.1992)

Size of Site: 3.4 acres

Type of Development: 25 townhomes

Density: 7.35 du/ac

Legislation:

Site Plan Approval – Town homes - Ordinance No. 2768 (1.6.1992)
Variations: public ROW & RV parking - Ordinance No. 2767 (1.6.1992)
Waiver of Preliminary Plat & Final Plat Approval - Resolution No. 92-106(1.6.1992)

27. Avalon-Sienna

(Only the Sienna portion of the development would be affected.)

Rezoning: Rezoned from I-1 and I-3 to PD-3 - Ordinance No. 3088 (1.2.1996)

Size of Site: Townhome portion 25.83 acres/121.62 total site

Type of Development: 204 townhomes/157 single-family

Density: 3.32 du/ac

Legislation:

Site Plan Approval for townhomes - Ordinance No. 3089 (1.2.1996)

Variations Title 17 (cul-de-sac, row width) - Ordinance No. 3090 (1.2.1996)

Variations Title 19 (front setback, row width) - Ordinance No. 3091 (1.2.1996)

Preliminary Plat Approval - Resolution No. 96-64 (3.18.1996)

Final Plat Approval Unit 6-A - Resolution No. 98-192 (12.12.1998)

Final Plat Approval Unit 6-B - Resolution No. 00-153 (10.2.2000)

Final Plat Approval Unit 6-C - Resolution No. 00-154 (10.2.2000)

28. Union Square

Zoning: Rezoned from R-3, B-3, and B-4 to PD-3 - Ordinance No. 3166 (9.16.1996)

Size of Site: 8 acres

Type of Development: 40 townhomes

Density: 5 du/ac

Legislation:

Site Plan Approval/Townhomes - Ordinance No. 3167 (9.16.1996)

Variations turnaround, row width, public sidewalk, lights - Ordinance No. 3168 (9.16.1996)

Variations front/rear setback, building distance, rv park - Ordinance No. 3169 (9.16.1996)

Preliminary Plat Approval - Resolution No. 96-185 (9.16.1996)

Final Plat Approval - Resolution No. 96-187 (9.23.1996)

29. One Milwaukee Place (PUD)

Rezoning: was previously zoned B-3

Size of Site: 12.51 acres (6.86 acres residential)

Type of Development: 144 condominiums, 21,963 sq/ft retail, and 8,500 sq/ft restaurant

Density: 11.51 du/ac (21.00 du/ac excluding commercial portion)

Legislation:

Concept Approval with Arch. Design-PUD - Ordinance No. 3317 (7.20.1998)

Amend Ord. No. 3317 (landscape, signage) - Ordinance 3327 (8.17.1998)

Final Approval of PUD - Ordinance No. 3356 (12.7.1998)

Preliminary Plat Approval - Resolution No. 98-190 (12.7.1998)

Final Plat Approval - Resolution No. 98-191 (12.7.1998)

Amend Ord. No. 3356 (add 2 restaurant to retail and eliminate 1 restaurant pad & enlarge remaining)

Ordinance No. 3411 (9.20.1999)

Amend Ord. No. 3411-3356 (remove condition relating to appearance review for freestanding restaurant)

Ordinance No. 3446 (3.20.2000)

30. River Mills Crossing

Zoning: Rezoned from R-1 to PD-4 - Ordinance No. 3331 (9.08.1998)

Size of Site: 20.1 acres

Type of Development: 80 condominiums/100 townhomes

Density: 8.91 du/ac

Legislation:

Site Plan Approval townhomes/condos - Ordinance No. 3334 (9.8.1998)

Variation Title 17, design standards-streets - Ordinance No. 3332 (9.8.1998)

Variation density, lot setback, building requirements - Ordinance No. 3332 (9.8.1998)

Preliminary Plat Approval - Resolution No. 98-142 (9.8.1998)

Final Plat Approval - Resolution No. 99-184 (10.4.1999)

31. Park Point (PUD)

Rezoning: Rezoned from R-1, R-3, and R-4 to PD-4 - Ordinance No. 3466 (6.19.2000)

Size of Site: 6.2 acres

Type of Development: 96 condominiums

Density: 15.48 du/ac

Legislation:

Concept Special use, site plan for PUD/Appearance Approval - Ordinance No. 3466 (6.19.2000)

Final Special use, site plan for PUD/Appearance Approval - Ordinance No. 3500 (10.16.2000)

Waiver of Preliminary Plat and Final Plat Approval - Resolution No. 00-166 (10.16.2000)

Amendment to Ord. No. 3500-Residential Density - Ordinance No. 3567 (8.13.2001)

32. Astor Place (PUD)

Zoning: Rezoned from B-4 to PD-4 - Ordinance No. 3565 (8.13.2001)

Size of Site: Approximately 25 acres

Type of Development: 2.5 acres of commercial, 128 condominiums, and 120 townhomes

Density: 9.92 du/ac (10.95 du/ac excluding commercial portion)

Legislation:

Special Use/Site Plan Approval for multi-family development - Ordinance No. 3565 (8.13.2001)

Preliminary Plat Approval - Resolution No. 01-172 (8.13.2001)

Final Plat Approval - Resolution No. 02-106 (5.13.2002)

33. Prairie Park (PUD)

Rezoning: Rezoned from R-1, I-1, and I-3 to PD-4 - Ordinance No. 3720 (4.14.2003)

Size of Site: 17.8 acres

Type of Development: 306 condominiums

Density: 17.19 du/ac

Legislation:

Concept Special Use, Site Plan, Appearance Review for a PUD - Ordinance No. 3670 (8.26.2002)

PUD Final Plan, Special Use, Site Plan, and Appearance Approval for a PUD - Ordinance No. 3721 (4.14.2003)

Preliminary Plat Approval - Resolution No. 03-65 (4.14.2003)

Final Plat Approval - Resolution No. 03-190 (10.27.2003)

Amendments related to club house area – Ord. 4552 (10.4.2010)

34. Westin North Shore Hotel (PUD)

Rezoning: Rezoned from R-1, B-4, and B-5 to B-3 - Ordinance No. 3878 (6.14.2004)

Size of Site: 21.5 acres

Type of Development: 441 room hotel/conference center, 65,100 sq/ft of retail/restaurant space

Density: N/A (no residential units)

Legislation:

PUD Concept Plan, Special Use, Site Plan, and Appearance Approval for a PUD - Ordinance No. 3879 (6.14.2004)

PUD Final Plan, Special Use, Site Plan, and Appearance Approval for a PUD - Ordinance No. 3942 (1.24.2005)

Preliminary Plat Approval - Resolution No. 04-134 (7.26.2004)

Final Plat Approval - Resolution No. 05-14 (1.24.2005)

Revised Final Plat Approval - Resolution No. 05-84 (5.9.2005)

Amendment to Ord. No. 3942 (layout, site plan, elevations) - Ordinance No. 3970 (5.9.2005)

35. Hintz Point (PUD) (NOT CONSTRUCTED – REMOVED FROM ZONING MAP)

Rezoning: Rezoned from R-1 to R-4, Ordinance No. 4093 (6.12.2006)

Size of Site: 3.18 acres

Type of Development: Condominium (30 units) and town home (18 units)

Density: 15.09 du/ac

Legislation:

PUD Final Plan, Special Use, Site Plan, and Appearance Approval for a PUD - Ordinance No. 4094 (6.12.2006)

Final Plat Approval - Resolution No. 06-83 (6.12.2006)

36. Millbrook Pointe (PUD)

Rezoning: N/A (zoned MXI, allows PUD as a special use)

Size of Site: 4.34 acres

Type of Development: Town home (35 units) and row home (25 units)

Density: 13.82 du/ac (60 total units)

Legislation:

PUD Final Plan, Special Use, Site Plan, and Appearance Approval for a PUD - Ordinance No. 4214 (6.11.2007)

Final Plat Approval – Resolution 08-189 (12.1.2008)

37. Willow Place (PUD)

Rezoning: From I-3 to R-4, Ordinance No. 4181 (Docket 2006-39A), approved 3.12.2007

Size of Site: 12.65 acres

Type of Development: Town home (58 units)

Density: 4.58 du/ac

Legislation:

PUD Final Plan, Special Use, Site Plan, and Appearance Approval for a PUD - Ordinance No. 4229, Docket No. 2006-39B (8.13.2007)

Final Plat Approval – Resolution No. 07-115, Docket No. PC 07-17 (8.13.2007)

38. Wheeling Station (PUD) (NOT CONSTRUCTED – REMOVED FROM ZONING MAP)

Zoning: MXT (as of July 2005)

Size of Site: 7.65 acres

Type of Development: Phased mixed-use (2 condo buildings, 1 condo/retail building, 1 commercial building). 180 residential units and 22,000 sq ft of commercial space.

Density: 23.53 du/ac

Legislation:

PUD Final Plan, Special Use, Site Plan, and Appearance Approval for a PUD - Ordinance No. 4337, Docket No. 2007-9 (6.2.2008)

Final Plat Approval – Resolution No. 08-89, Docket No. PC 08-9 (6.16.2008)

39. Fresh Farms Shopping Center (PUD)

Zoning: B-3

Size of Site: 4.17 acres, pending dedication of land to Village

Type of Development: Retail

Density: N/A

Legislation:

PUD Final Plan, Special Use, Site Plan, and Appearance Approval for a PUD - Ordinance No. 4437, Docket No. 2008-24 (6.15.2009)

Preliminary Plat – Res. 10-63, Docket No. PC 10-8 (7.12.2010)

Final Plat Approval – Res. 11-72 (8.15.2011)

Amendments to include area on Milwaukee Avenue – Ord. 4536, Docket No. 2010-18 (7.12.2010)

Amendments related to Dundee Rd. driveway relocation, setback on Wille, and new driveway on Center Ave – Ord. 4614 (following Ord. 4608), Previous Docket No. 2010-18 (6.6.2011)

40. Wheeling Galleria (PUD) (NOT CONSTRUCTED – REMOVED FROM ZONING MAP)

Zoning: MXT

Size of Site: 3.76 acres, 46,960 sf of retail and office

Type of Development: Retail, office

Density: N/A

Legislation:

PUD Final Plan, Special Use, Site Plan, and Appearance Approval for a PUD - Ordinance No. 4540, Docket No. 2009-24 (7.19.2010)

Preliminary Plat Approval – Res. 10-66, Docket No. PC 10-10 (7.19.2010)

Final Plat Approval – Not approved at time of PUD approval

41. Village of Wheeling, 635-769 S. Milwaukee PUD

Zoning: B-3

Size of Site: 4.85 acres

Type of Development: Mixed-Use (flexible preliminary approval)

Density: N/A

Legislation:

PUD Preliminary Plan - Ordinance No. 4625, Docket 2011-9 (8.15.2011)

Preliminary Plat – Res. 11-76, Docket No. PC 11-21 (7.12.2010)

Final Plat Approval – Not approved at time of PUD approval

42. Northgate Crossing PUD

Zoning: MXT

Size of Site: 20.82 acres

Type of Development: Residential (288 apartments in 9 buildings, plus club house)

Density: 13.8 units / acre

Legislation:

PUD Final Plan - Ordinance No. 4876, Docket No. 2013-12B (7.21.2014)

Final Plat Approval – Res 14-124 (9.22.2014)

43. The Whitley of Wheeling PUD

Zoning: MXT

Size of Site: 4.76 acres

Type of Development: Assisted Living with Memory Support (94 units, 102 beds)

Assisted living: 64 apartments, 68 beds total

Memory Support: 30 units, 34 beds total

Density: N/A

Legislation:

PUD Final Plan – Ord. 4905, Docket No. 2014-15 (12.8.2014)

Final Plat Approval – Res. 14-151, Docket PC 14-20 (12.8.2014)

Contents

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Regulations for commercial / residential mixed-use buildings, hangars, special purpose buildings, and developments with multiple buildings



VILLAGE OF WHEELING - DESIGN GUIDELINES

Section I. General Regulations

A. Intent and Purpose

For buildings other than single-family residences, the architectural review of all new buildings and building additions shall be subject to the review of the Plan Commission and Village Board as described in Title 19, Zoning, of the Wheeling Municipal Code.

It is the intent of the Village of Wheeling through these Design Guidelines to establish architectural design standards for buildings throughout the Village's residential areas, commercial corridors, and industrial parks.

The purpose of these regulations is to: encourage development that is compatible with and complementary to the surrounding area, promote the use of high-quality and durable building materials, provide for an attractive built environment for Wheeling residents and businesses, and strengthen the character of each area by ensuring that development is well-planned and coordinated.

B. Relationship to site and surroundings

1. Each building shall be designed to facilitate its intended use. Entrances for the public, employees, and service/delivery shall be appropriately located with respect to streets, drive aisles, and parking areas.
2. Building materials shall be of comparable aesthetic quality on all sides, though consideration for reduced architectural detail on elevations that are not visible from streets or adjacent properties may be made during the review process.

C. Building Massing and Form

The design elements on a building shall be appropriate for the scale of the development. Large featureless walls lacking articulation or variation in texture are not permitted in visible locations. This section describes design guidelines related to massing and form. See sections IV – VII of the Design Guidelines for specific requirements for residential, commercial, industrial, and mixed-use buildings.



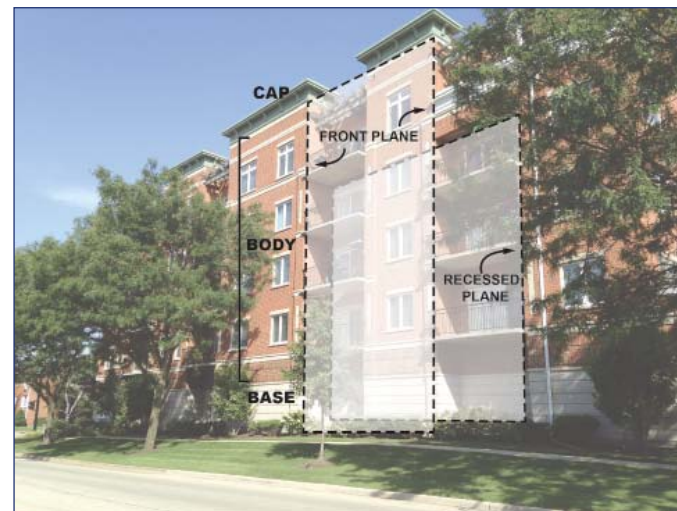
Blank walls facing the public street are discouraged

VILLAGE OF WHEELING - DESIGN GUIDELINES

Section I. General Regulations

C. Building Massing and Form (continued)

1. Articulation. Walls shall be designed with recesses and projections such that large expanses of visible walls are not on the same plane.
2. Horizontal division. Traditional architecture divides a building into a base, main body, and cap. Larger or more textured materials are frequently used in the base. The cap should distinguish the top of the building from the middle through the use varied roof lines, accent materials, or overhangs.
3. Roof lines. Variation in the roof line can be used to break up the façade of a building and create shadows.
4. Accent lines. Subtle interruptions in the wall, such as vertical or horizontal accent lines, may also be appropriate, especially in industrial or office buildings.
5. Architectural detail. Bay windows, cornice detail, overhanging eaves, brick patterns giving the appearance of windows or doors, and similar architectural detail is encouraged.
6. Entry features. Emphasizing entry features through the use of alternate materials, a separate roof area, recesses/projections, or similar techniques is encouraged.



Traditional base, body, and cap building. Visual interest is produced through articulation. Portions of the exterior wall are recessed.



Multiple roof lines and emphasis on the public entrance

VILLAGE OF WHEELING - DESIGN GUIDELINES

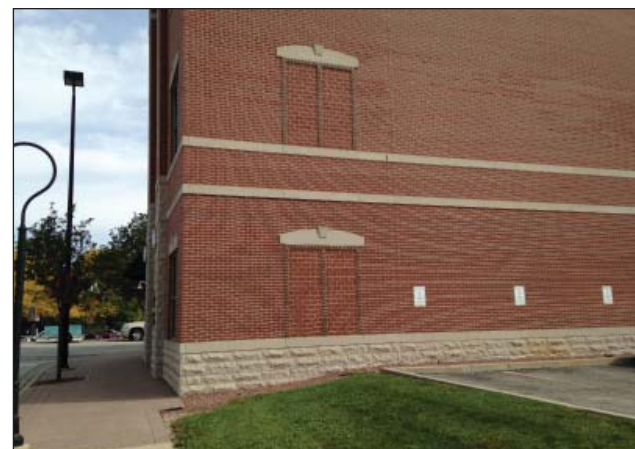
Section I. General Regulations

D. Windows and Doors

1. Proportion. Windows and doors shall be of an appropriate dimension for the subject wall.
2. Spacing and alignment. Windows should be spaced at regular intervals and aligned with each other. Windows should also be aligned in relationship to the other design features on the building (base material, horizontal accent lines, etc.).
3. Materials. Windows and doors shall be constructed using materials that are complementary to the building materials. The color of the windows and doors should be consistent with the trim on the building. The use of tinted or mirrored glass is strongly discouraged and must be clearly presented during the appearance review process.
4. False windows. Blank walls may be enhanced through the use of features that give the appearance of windows (spandrel glass, rectangular area with an alternate brick pattern, etc.).
5. Films and decorative covers. Window coverings are subject to appearance approval as described in Title 19 and Title 21 of the Wheeling Municipal Code.



Proportional windows, spaced on each section of the facade.



Window frame feature on blank wall.

Section I. General Regulations

E. Screening of Mechanical Equipment, Utilities, and Service Areas

1. Rooftop units. Rooftop units shall be screened from view from the adjacent public streets and parking areas by the use of parapet walls or pad-mounted screen systems. A sight line diagram illustrating parapet screening may be required if it is not clear that the parapet will provide adequate screening.
2. Trash enclosures, ground level units, and generators. Ground level mechanical units, such as air conditioning condensers and generators, shall be screened. The screening material shall be compatible with the overall architectural character of the development and shall be of a height to provide adequate screening. Materials such as brick, precast concrete, cedar, and composite wood are permitted. Gates should be durable and should be mounted on posts separate from the walls of the enclosure. When possible, such screened areas should also be incorporated into the site's landscaping scheme.
3. Utility connections. Utility connections should be screened from view or incorporated into the service area. Exterior gas pipes and utility meters shall not be visible.
4. Service areas. Service areas, such as delivery docks and compactor rooms, shall be located such that they are not directly visible from public streets or public parking areas. Screen walls matching the architectural design of the building shall be required for all visible service areas.



Screen system for rooftop mechanical units.

VILLAGE OF WHEELING - DESIGN GUIDELINES

Section II. Materials

A. General provisions

1. Primary material. Each building shall utilize a single primary material within the main body of each elevation. Alternate materials may be used in the base and cap. Buildings which are specifically designed to give the appearance of distinct and separate buildings (such as town homes, row homes, or store fronts) may be interpreted for the purpose of this section as being separate buildings as divided along the unit lines.
2. Accent materials. Accent materials typically represent 10% to 30% of each building elevation. See Sections IV-VII for specific regulations for Residential, Commercial, Industrial, Mixed-Use, and Special Purpose buildings.
3. Features such as windows, doors, trim, gutters, and downspouts, should be included in the plans, and should be consistent with the colors and materials on the structure.
4. Durability and climate-appropriate construction. Materials shall be durable against weathering in the local climate.
5. Porous materials. Porous materials, which are difficult to clean and prone to staining, are not permitted.
6. New construction vs. renovations and additions. New buildings must comply with the regulations of the Design Guidelines. Additions and renovations on existing buildings that are eligible for Minor Site Plan and Appearance review as defined in the Zoning Code may be allowed to continue the use of materials that might otherwise be restricted. If a material is no longer available, the Plan Commission may determine that a substitute material provides a comparable appearance.



Brick rowhomes with metal accents.

VILLAGE OF WHEELING - DESIGN GUIDELINES

Section II. Materials

B. Permitted materials

See Sections IV-VII of the Design Guidelines for specific regulations for Residential, Commercial, Industrial, Mixed-Use, and Special Purpose buildings. The following materials are permitted, and are listed below in order of preference:

1. **Brick.** Full masonry unit bricks are the preferred material for most types of construction. Utility size brick or jumbo bricks may not be used as a primary material on buildings less than 20' in height.
2. **Stone.** Stone is generally utilized as an accent material or in the building base.
3. **Synthetic stone.** Non-porous synthetic stone is permitted and used in place of natural stone. Textured synthetic stone may be used as a base or accent.
4. **Concrete.** Poured-in-place concrete is typically used for industrial buildings, but may also be appropriate for limited use in other buildings if it is modified with textures and stains to provide a visually interesting appearance.
5. **Pre-cast concrete.** Pre-cast concrete may be utilized in similar locations to poured-in-place concrete. Precast with brick inlays in the form may be utilized in place of brick.
6. **Metal panel systems.** Architectural panels may be appropriate for commercial structures, but are limited to use as an accent material in residential buildings. Metal panels must be durable in the given location, and may not be reflective.
7. **Wood.** Wood may be utilized as an accent material. Composite wood may be utilized as a trim material or in fencing/screening applications.
8. **Cement-fiber board siding and cement-fiber panels.** Materials such as Hardie panel may be appropriate for use in a variety of locations (see specific regulations for Residential, Commercial, Industrial, Mixed-Use, and Special Purpose buildings). Such materials may require certification of proper installation techniques, including the selection of the appropriate panel thickness for this climate.
9. **Masonry panel systems.** Panelized brick or cement fiberboard with a masonry unit appearance may be considered as an accent material.
10. **Stucco.** Stucco (cement roughly ½" thick on lath) may be appropriate for use as an accent material.
11. **Vinyl siding.** Vinyl siding may be permitted as an accent material in residential construction, or in a commercial development with a traditional character (such as a decorative gable area). Such siding shall be high quality and textured, while smooth surface siding is prohibited.
12. **EIFS.** Exterior Insulation and Finish Systems (EIFS, a coat of cement up to ¼" thick on a fiberglass mesh and insulation board) are not permitted in high traffic areas, near the ground level, or as a primary building material.
13. **Additional materials.** Materials not listed in these Design Guidelines may be permitted through the design review process provided that it can be demonstrated that the material is consistent with the intent of the Design Guidelines in terms of durability and compatibility with the character of the area.

VILLAGE OF WHEELING - DESIGN GUIDELINES

Section II. Materials

C. Prohibited materials

1. Aluminum siding. Aluminum siding is easily dented.
2. Concrete block / CMU.
3. Split-face CMU and porous synthetic stone. These materials are difficult to clean and are prone to staining.
4. Panels and boards not listed as permitted (sheet metal, corrugated metal, plastic, plywood, fiberglass, etc.).

D. Methods of Measuring Building Materials

For the regulations in the Design Guidelines that specify minimum or maximum percentages of a material, the following methods of measurement shall be utilized:

1. Percentage of a wall. The wall surface area shall be measured from grade to the top of the wall. Standard windows and doors within the primary material will be included in the measurement for primary building material calculations. Sub-roof areas (such as a roof over a porch) are not included in the overall surface area of the wall.
2. Garage doors. See specific regulations in sections IV-VII regarding garage doors.
3. Maximum use of an accent material. If standard windows and doors are placed within an accent material, the window and door area will be added to the accent material surface area.
4. If a single building is intended to have the appearance of multiple buildings, such as attached row homes or store fronts in a retail building, then multiple primary materials may be used. The building wall as a whole must comply with the minimum standards for the building type as described Sections IV - VII.



Standard windows and doors are calculated as part of the building wall. Different units may use different primary materials, but the building as a whole must comply with the minimum standards for the building type (see regulations for residential structures).

VILLAGE OF WHEELING - DESIGN GUIDELINES

Section III. Colors

A. Exterior building colors

1. Building colors shall be subdued in tone and of a low reflectance.
2. Simple color patterns are encouraged, with variations in colors kept to a minimum.
3. Dark colored brick is preferred.
4. Developments with multiple buildings must utilize complementary colors, but are encouraged to vary the palette to avoid monotony.
5. Accent materials may be in a contrasting color, but should be complementary to the overall design of the building.

B. Roof, trim, glass, and mechanical features

1. The roof color shall be complementary to the design scheme for the building.
2. Trim should be of a single color, and should match items such as the doors, window frames, gutters, and downspouts. Consideration will be made for decorative features, such as an alternate roof design at the main entrance.
3. Mechanical features, such as vents, shall be low gloss and blend with the wall color.
4. Visible garage doors should complement the color of the building.



The use of multiple colors of brick, as well as light brick, can detract from the appearance of a building.



The trim within the mansard area matches the window frames, soffit, and downspouts. Mottled brick adds character to the exterior. Limestone headers match the base.

VILLAGE OF WHEELING - DESIGN GUIDELINES

Section IV. Residential Buildings

A. Town homes and row homes

1. Each elevation shall be at minimum 60% brick, as measured in accordance with Section III, Building Materials, subsection D. A base of an alternate type of brick or a stone, up to four feet (4') in height, can be included in this calculation.
2. No more than two accent materials will be permitted, the total of which may not exceed 40% of the surface area of the wall.
3. Windows should be provided on each elevation, with a comparable pattern and proportion of windows on all visible elevations.
4. Large segments of uninterrupted wall are discouraged. Recesses, projections, bays, stoops, or porches should be utilized to provide visual interest.
5. For homes with front access garages, the garage door must be integrated into the design of the building in terms of color and material. Garage doors should be separated by sections of wall to provide visual interest.
6. For homes with rear-access garages, separation must be provided periodically to allow space for garbage carts, air conditioning units, and landscaping.



Primary material (including base) is 93% of wall surface area.



At left: Brick exterior, adequate space for landscaping, air conditioning units and garbage carts.



At right: Limited use of brick, lack of space between garages. Not comparable to front of building.

VILLAGE OF WHEELING - DESIGN GUIDELINES

Section IV. Residential Buildings

B. Other multi-family buildings

1. Traditional base-body-cap design is preferred.
2. Each elevation shall be at minimum 50% brick.
3. No more than two accent materials will be permitted, the total of which may not exceed 50% of the surface area of the wall.
4. Windows shall be provided on each elevation, with a comparable pattern and proportion of windows on all visible elevations.
5. Large segments of uninterrupted wall are discouraged. Recesses, projections, bays, stoops, or porches should be utilized to provide visual interest.
6. The base material should not extend above a height of six feet (6.0'), except to provide emphasis on an entrance.
7. The main entrance should be emphasized in the design through the use of a projection or recess, alternate materials or an alternate roofline.

C. Accessory structures

1. Accessory structures in excess of 120 square feet shall be designed to complement the primary building.

D. Trash enclosures

1. Trash enclosures should be constructed of durable materials, and should match the building in locations where the enclosure is visible from public streets and parking areas.
2. Trash enclosure gates should not face public streets.
3. The enclosure must be easily accessible for waste pickup, and should be protected with bollards if located in high traffic areas.
4. Enclosures should be located such that all units have convenient access.
5. The gates should be durable and mounted on posts separate from the walls of the enclosure.



Base, body, and cap style building. Synthetic stone accent material on corner. No large segments of uninterrupted wall.

VILLAGE OF WHEELING - DESIGN GUIDELINES

Section V. Commercial Buildings

A. Contextual Design

1. Blank walls are discouraged, especially facing public streets and parking areas.
2. Windows, awnings, canopies, and arcades should be incorporated into buildings along public sidewalks and parking areas.
3. Building entrances should be defined and emphasized through the use of recesses, projections, and accent materials.
4. Sign display areas should be considered in the design of new commercial buildings.

B. Exterior building materials

1. See Section II B for a list of permitted building materials.
2. Primary materials. A primary material must be selected, and shall account for a minimum of 60% of each elevation.
 - a. Brick is the preferred primary material for commercial buildings. The use of darker toned brick is encouraged.
 - b. As noted in Section II B, windows and doors will count toward the calculation of minimum surface area of the wall.
 - c. Precast concrete, textured concrete (poured in place), glass, and metal panel systems may also be permitted as a primary material during the design review process. The Plan Commission and Board will consider the character of the area prior to permitting a primary material other than brick.
3. Accent materials. A maximum of two accent materials can be utilized (not including awnings and glass), the total of which may not exceed 40% of the wall area.
 - a. Preferred accent materials include: stone, synthetic stone, cement fiber board, and metal panel systems.
 - b. EIFS and similar thin stucco materials should only be used above the ground level, such as the fascia above a storefront.
4. Visible elevations facing the public street or parking areas should consist of transparent glass on the first floor. Consideration for a



The character of the shopping center is enhanced through the use of awnings, various rooflines, and complementary materials.



The cement board siding would be considered the primary material in this case.

VILLAGE OF WHEELING - DESIGN GUIDELINES

Section V. Commercial Buildings

reduction will be made for units designed to be 20,000 square feet or larger.

5. Large segments of uninterrupted wall are discouraged. Recesses, projections, bays, false windows, pilasters, columns, or similar features should be utilized to break up the wall.
6. Spandrel glass is permitted, but must be completely opaque in order to fully screen items such as interior mechanical spaces, insulation, or similar.

C. Loading areas and service entrances

1. Permanent loading areas and services entrances should be located along rear service drives whenever possible. Overhead doors should not be visible from public streets or parking areas.

D. Trash enclosures

1. Trash enclosures should be constructed of durable materials, and should match the building in locations where the enclosure is visible from public streets and parking areas.
2. Trash enclosure gates should not face public streets.
3. The enclosure must be easily accessible for waste pickup, and should be protected with bollards if located in high traffic areas.
4. Enclosures should be located such that all units have convenient access.
5. The gates should be durable and mounted on posts separate from the walls of the enclosure.



Service entrance, trash enclosure, and utilities are located outside of the public parking area. Enclosure matches building, and gates are mounted to separate posts.



Each store has convenient access to this shared trash enclosure.

VILLAGE OF WHEELING - DESIGN GUIDELINES

Section VI. Industrial Buildings

A. Contextual design considerations

1. The portions of industrial buildings in highly visible locations should be designed to include architectural details and reduce the scale of the building from the view of the street.
2. Buildings with a visible front area and less visible rear area may be permitted to select an alternate design scheme for the rear portion of the building.

B. Exterior building materials

1. See Section II B for a list of permitted building materials.
2. Primary materials. A primary building material must be selected, and must account for a minimum of 60% of the wall surface area on each elevation.
 - a. Brick and precast concrete are the preferred primary materials for industrial buildings. The use of darker toned brick is encouraged.
 - b. As noted in Section II B, windows and doors will count toward the calculation of minimum surface area of the wall.
3. Accent materials. A maximum of two accent materials can be utilized (not including awnings and glass), the total of which may not exceed 40% of the wall area.
 - a. Preferred accent materials include: stone, synthetic stone, cement fiber board, and metal panel systems.
 - b. EIFS and similar thin stucco materials should only be used above the ground level, such as the fascia above an entrance.
4. Spandrel glass is permitted, but must be completely opaque in order to fully screen items such as interior mechanical spaces, insulation, or similar.
5. Large segments of uninterrupted wall are discouraged. Recesses, projections, bays, false windows, pilasters, columns, or similar features should be utilized to break up the wall.

C. Loading docks

1. Loading docks should not face public streets or incompatible land uses, such as residential properties or institutional facilities.



Large precast building that utilizes color and patterns in the concrete to break up the building wall. The 2-story glass entrance has spandrel glass above the ceiling. Less detail provided toward the rear.

Screening must be provided for any loading dock that is visible from such uses.

2. Loading dock areas should be kept free of debris and storage of materials, with overhead doors closed when not in use.

D. Trash enclosures

1. Trash enclosures should be constructed of durable materials, and should match the building in locations where the enclosure is visible from public streets and parking areas.
2. Trash enclosure gates should not face public streets.
3. The enclosure must be easily accessible for waste pickup, and should be protected with bollards if located in high traffic areas.
4. Enclosures should be located such that all units have convenient access.
5. The gates should be durable and mounted on posts separate from the walls of the enclosure.

VILLAGE OF WHEELING - DESIGN GUIDELINES

Section VII. Mixed-Use and Special Purpose Buildings

A. Mixed-use Buildings

Most mixed-use buildings are anticipated to have residential units located above commercial units (office, retail, and restaurants). For this reason, the standards for Section IV, Residential Buildings, and Section V, Commercial Buildings, will both be applied.

B. Airport buildings

The standards for Section VI, Industrial Buildings, will be applied to airport buildings, with the exception that aircraft hangars may be constructed of steel provided that there is a minimum 7.0' concrete, stone, or brick base.

C. Special Purpose Buildings

Special purpose buildings, such as concession stands, utility sheds, maintenance garages, kiosks, or transportation buildings (shelters, terminals), will be reviewed on an individual basis. The standards of Sections I-III of these Design Guidelines will be applied during the review process. The function and location of each such structure will be considered.



Public restroom building constructed of precast concrete.



Mixed-use building with glass storefronts and awnings at the street level.



Aircraft hangar constructed of textured and stained precast concrete with metal panel system for office area.

ZONING CODE REVISIONS

DATE	ORDINANCE	DESCRIPTION	SECTION(S)
7/25/05	3991	Comprehensive Revision to code and map	
11/14/05	4018	Additional materials may be required for PUD submittal	19.09.010 (D4j)
11/14/05	4018	Remove horticultural material exception from definition of outdoor storage	19.01.010
11/14/05	4018	Replace Planned Development District (PDD) with Planned Unit Developments (PUD).	Chapter 19-09 and references throughout code
11/14/05	4018	Special use standards added	19.10.030
11/14/05	4018	Limit size of accessory uses in Industrial Districts	19.10.070 (A9)
11/14/05	4018	Add parking requirements for billiards and bowling alleys	19.11.010 (E1C)
11/14/05	4018	Add review of Variations to Board powers and duties	19.13.020
11/14/05	4018	Religious assembly use regulations (all districts); animal services as special use in B-2; auto repair and gas stations as special use in B-3; colleges, universities, and trade schools as special use in B-3.	Appendix A
11/14/05	4018	Add Appendix C (Planned Unit Developments and other Developments with Special Legislation)	Appendix C
11/14/05	4018	Removed Planned Development District (PDD), corrected parcel lines, updated airport runways	Zoning Map
11/10/06	4131	Moved specific fees to Title 2 of the municipal code.	19.13.070
4/23/07	4198	Established R-1A district regulations	19.04.025
4/23/07	4198	Added Sports & Recreation uses to I-2 district	Appendix A (Use Table)
5/21/07	4209	Added "Transfer Station" use & definition.	19.01.010, Appendix A (Use Table)
7/9/07	4220	Definition changes to: Boardinghouse; Caregiver; Child Care Service; Daycare Home; Ground Transportation Service, Dispatch Office; Ground Transportation Service, Small; Ground Transportation Service, Large; Lodginghouse; Motor Vehicle Transport Facility; Parking Pad; Retail Establishment, Auto Parts; Retail Establishment, General; School, Specialty; School, Personal Instruction.	19.01.010
7/9/07	4220	Permitted Obstructions in Required Yards	19.03.080
7/9/07	4220	Residential District General Requirements	19.04.010
7/9/07	4220	Corrected text within R-1A district requirements	19.04.025
7/9/07	4220	R-4 Multiple-Family Residential District--parking setback, and pad size; densities; exterior building materials; owners association	19.04.060
7/9/07	4220	Commercial district design standards--exterior building materials	19.06.010
7/9/07	4220	B-2 Neighborhood Commercial District--lot area requirements	19.06.030
7/9/07	4220	B-3 General Commercial and Office District--lot area requirements and setbacks	19.06.040
7/9/07	4220	Industrial district design standards	19.07.010
7/9/07	4220	PUDs--types of applications; application requirements; application review, approval, and post-approval modifications	19.09.010
7/9/07	4220	Special uses--review and approval procedure and expiration of	19.10.030
7/9/07	4220	Home Occupations	19.10.050
7/9/07	4220	Accessory Uses, Buildings and Structures	19.10.070
7/9/07	4220	Potential parking reductions	19.11.010
7/9/07	4220	Minimum parking requirements for: multi-family; shopping center, speculative; restaurant, sit-down; restaurant, carry-out; industrial uses, active; industrial use, office.	Table 19.11.010(E)(1)(c)
7/9/07	4220	Illumination levels	19.11.040
7/9/07	4220	Variations--Action by the Board of Trustees	19.13.030
7/9/07	4220	Permitted and Special Uses for Commercial Districts: School, Personal Instruction; Ground Transportation Service, Dispatch Office; Retail Establishment, Auto Parts; Ground Transportation Service, Small	Appendix A: Use Table
7/9/07	4220	Permitted and Special Uses for Mixed Use Districts: Ground Transportation Service, Dispatch Office; Retail Establishment, Auto Parts; Ground Transportation Service, Small.	Appendix A: Use Table
7/9/07	4220	Permitted and Special Uses for Industrial Districts: Motor Vehicle Transport Facility; Sports and Recreation Facility, Indoor; Sports and Recreation Facility, Outdoor; Storage Facilities-Outdoor; Transfer Station; Ground Transportation Service, Large; Ground Transportation Service, Small	Appendix A

ZONING CODE REVISIONS

DATE	ORDINANCE	DESCRIPTION	SECTION(S)
7/9/07	4220	Planned Developments and PUDs--added Hintz Pointe (PUD) and Millbrooke Pointe (PUD)	Appendix C
12/10/07	4281	Update to Transmission Tower regulations	19.03.060, 19.10.060, Appendix A
5/5/08	4331	Add definitions for: net acreage, health club, pawn shop, short-term lending facility, submersion pool. Update definitions for: airport, bank, personal service establishment, secondhand store.	19.01.010
5/5/08	4331	Update Districts to replace ATSA with RPZ	19.03.010
5/5/08	4331	Require consideration of snow removal in new multi-family developments; limit parking in front yards in single-family districts	19.04.010(E)5, 19.04.010(F)
5/5/08	4331	Relate density to new definition of net acre; set limit of consecutive town home units at 6	19.04.060 (H)
5/5/08	4331	Clearly set base zoning of B-3 and R-4 in the MX districts; increase masonry requirement for town homes in the MXT district	19.05.010 (L)1, 19.05.010 (L)6
5/5/08	4331	Updates throughout chapter to replace ATSA with RPZ and Palwaukee with Chicago Executive	19.08.010
5/5/08	4331	Establish building material requirement for hangar buildings (7' masonry kneewall required)	19.08.010(G)4
5/5/08	4331	Require preliminary building material samples with Preliminary PUD application; require exact building materials and preliminary plat with Final PUD application.	19.09.010(E)
5/5/08	4331	Restructure text of PUD review procedure to clarify the process	19.09.010(F)2
5/5/08	4331	Established process to allow temporary storage containers in residential districts	19.10.070(A)10
5/5/08	4331	Established regulations for smoking shelters	19.10.070(C)
5/5/08	4331	Provided more specific parking requirement for outdoor recreation	19.11.010(E)1c
5/5/08	4331	Removed all footnotes; created end note page; updated allowable locations for pawn shops, short-term lending facilities, day spas, and clubs/lodges	Appendix A, Use Table
5/5/08	4331	Added Willow Place PUD to list of approved PUDs	Appendix C
10/20/08	4370	Added definition/regulations for vending machine	19.01.010, 19.10.060G
10/20/08	4370	Added regulations distinguishing between 1-family and 2-family structures	19.04.010 F
10/20/08	4370	Corrected setbacks for accessory buildings in residential districts	19.04.020 F, 19.04.025 G, 19.04.030 G, 19.04.040 G, 19.04.050 G, 19.04.060 G
10/20/08	4370	Increased masonry requirement for multi-family buildings to 75% on each elevation	19.04.060 I4
10/20/08	4370	Encouraged developers to consider limitations on locations for media/communications equipment.	19.04.060 I8
10/20/08	4370	Increased masonry requirement for commercial and industrial buildings to 75% on each elevation	19.06.010 F4, 19.07.010 F4
10/20/08	4370	Added Wheeling Station PUD to list of approved PUDs	Appendix C
12/1/08	4375	Modified Use Table relating to Light Motor Vehicles in I-1 and I-3 Districts	Appendix A
4/6/09	4409	Modified Use Table relating to Educational Uses in the I-2 District	Appendix A
8/24/09	4452	Established definition of Farmers' Market and Mobile Food Vendor; modified definitions of Corner Lot, Medical Office, Heavy Motor Vehicle Parking Lot, & Outdoor Merchandise Sales,	19.10.010, Definitions
8/24/09	4452	Modified permitted obstructions in required yards	19.03.080 B
8/24/09	4452	Added garage location reference for Single Family Districts; added building separation requirement; established street side setback reduction	19.04.010 F
8/24/09	4452	Established Mobile Food Vendor regulations	19.10.060 H
8/24/09	4452	Modified parking requirements for senior housing and restaurants. Updated regulations for providing outdoor seating at restaurants.	19.11.010 E1c
8/24/09	4452	Updated Use Table for Farmers' Market, Medical Office in the MX districts, Heavy Motor Vehicle Parking, Outdoor Storage, and end notes	Appendix A
8/24/09	4452	Updated PUD list (Fresh Farms)	Appendix C
9/14/09	4454	Modified Use Table relating to Educational Uses in the I-3 District	Appendix A
1/4/10	4491	Added proximity regulation for group homes (see "Family"), added "Nursing Home"	19.01.010, Definitions
1/4/10	4491	Updated regulation to include porches and decks. Established limited exceptions to above.	19.03.080, Permitted Obstructions in Required Yards
1/4/10	4491	Reduced min. PUD size from 2 acres to 1 acre	19.09.010G, PUD standards

ZONING CODE REVISIONS

DATE	ORDINANCE	DESCRIPTION	SECTION(S)
1/4/10	4491	Modified MX district uses to allow "Personal Instruction Schools" as a permitted use	Appendix A
4/5/10	4510	Established definition of Adult Day Services; added to I-1 District as Special Use	19.01.010, Definitions; Appendix A
5/16/11	4607	Established definitions for Entertainment Establishment, Incidental Entertainment, Nightclub. Updated Pawn Shop to distinguish cash for property as accessory and principal use.	19.01.010, Definitions
5/16/11	4607	Updated AP district use regulations to include Nightclubs and Entertainment Establishments	19.08.010, AP Airport District
5/16/11	4607	Updated Special Use regulations to remove conflicting references relating to revocation and lapse of special use approval.	19.10.030, Special Uses, subsection J
5/16/11	4607	Added regulation relating to entertainment in restaurants, taverns, and nightclubs	19.10.060, Non-residential Use Regulations
5/16/11	4607	Reduced parking requirement for commercial daycare facilities	19.11.010, Off-street Parking, Table 19.11.010E(1)c
5/16/11	4607	Established process for appeals of Plan Commission decisions	19.13.010, Board of Trustees, added section F
5/16/11	4607	Updated duties of the Plan Commission to reflect current requirements and procedures (relating primarily to duties and authorities of the Zoning Board of Appeals)	19.13.020, Plan Commission
5/16/11	4607	Removed duties and authorities of the Zoning Board of Appeals, and inserted reference to new sections in 19.13.020, Plan Commission	19.13.030, Zoning Board of Appeals
5/16/11	4607	Updated written notice requirements to include discretionary requirement for increased notice radius for major actions. Changes requirement for submittal of written notice affidavit to seven days prior to hearing.	19.13.050, Public Hearings
5/16/11	4607	Updated Use Table (AP, B and MX) to change Assembly Hall to a special use in all, and add Entertainment Establishment and Nightclub as special uses (with Nightclub omitted from B-2)	Appendix A, Use Table
5/16/11	4607	Updated list of approved PUDs to include Wheeling Galleria	Appendix C
5/16/11	4607	Updated legislation for approved PUDs to include Wheeling Galleria and amend Prairie Park and Fresh Farms PUDs.	Appendix C
5/16/11	4608	Added Farmers Market to permitted uses in Open Space Overlay	19.05.020
5/16/11	4608	Updated end note in Use Table relating to Farmers Market	Appendix A
6/20/11	4617	Established definition of CNG Fueling Stations; added to I-3 District as Special Use	19.01.010, Definitions; Appendix A
8/20/12	4719	Established definition of car sharing vehicle, car sharing facility, donation box, electric vehicle, electric vehicle charging station, package liquor store, enclosed motor vehicle sales facility. Updated definition of manufacturing relating beverage production.	19.01.010, Definitions; Appendix A
8/20/12	4719	Revised front yard paving restrictions to reference minor site plan review and maximum width.	19.04.010, Residential District General Requirements, D Parking and Circulation for Multi-family
8/20/12	4719	Revised regulations for maximum paving of required yards	19.04.010, Residential District General Requirements, F General regulations for Single Family Districts
8/20/12	4719	Added reference to the I-2 district bulk restrictions	19.08.010 AP District, F General Site Development Standards
8/20/12	4719	Added regulations for Outdoor Dining Areas	19.10.060 Non-residential Use Regulations, new subsection J
8/20/12	4719	Added regulations for Car Sharing Facilities	19.10.060 Non-residential Use Regulations, new subsection K
8/20/12	4719	Added regulations for Electric Vehicle charging stations	19.10.060 Non-residential Use Regulations, new subsection L
8/20/12	4719	Specific restriction for Donation Boxes	19.10.070 Accessory Uses, Buildings and Structures, A General Provisions
8/20/12	4719	Re-organized section, set lower limit for reductions based on square footage	19.11.010 Off Street Parking and Loading, D3 Parking Reductions
8/20/12	4719	Outdoor seating considered exempt from parking may not exceed indoor seating	19.11.010 E1c, Required Parking
8/20/12	4719	Updated name of Chapter to include Building Appearance Approval	Chapter 19-12

ZONING CODE REVISIONS

DATE	ORDINANCE	DESCRIPTION	SECTION(S)
8/20/12	4719	Updated application submittal requirements to match current standards for digital plans, building material samples, and landscape irrigation plans	19.12.040, Required plan submittal information
8/20/12	4719	Updated title of section to include all site plan review (previously limited to revisions to approved plans)	19.12.060 Site Plan and Appearance Review Procedure
8/20/12	4719	Revised procedures for major and minor review to reflect current practices; required Concept Review for major site plan actions	19.12.060 Site Plan and Appearance Review Procedure
8/20/12	4719	Updated responsibilities to reference Administrative Variation procedure; established procedure for same	19.13.040. Village Zoning Administrator
8/20/12	4719	Removed requirement for legal description to appear in public notices	19.13.050 Public hearings
8/20/12	4719	Updated title and content to clarify standards for text amendments and map revisions	19.14.010 Text Amendments and Rezonings
8/20/12	4719	Car rental as Special Use in B-3 district	Appendix A, Use Table
8/20/12	4719	Enclosed vehicle sales as Permitted Use in MXI	Appendix A, Use Table
8/20/12	4719	Catering service as Permitted use in I-1, I-2, I-3	Appendix A, Use Table
8/20/12	4719	Enclosed vehicle sales as Permitted Use in I-1, I-2, I-3	Appendix A, Use Table
8/20/12	4719	Updated Fresh Farms PUD to include amendments	Appendix C, Planned Developments and PUDs
10/7/13	4795	Modified definition of Health Club, consolidated personal training, misc. educational and recreational uses into "Recreational and Instructional Facility"	19.01.010, Definitions
10/7/13	4795	Allowed residential use in PUDs in the B-3 districts	19.06.010, Use Standards in Commercial Districts
10/7/13	4795	Established administrative review of outdoor dining	19.10.060, Non-residential Use Regulations
10/7/13	4795	Increased thresholds for medium and large shopping center parking reduction eligibility, increased the absolute minimum parking level	19.11.010, Off-street Parking, 19.11.010D
10/7/13	4795	Increased town home parking, established new multi-family parking requirement based on bedrooms, established "anchor tenant" requirement, established Health Code requirement	Table 19.11.010(E)(1)c
10/7/13	4795	Added sample calculation table for multi-family residential	Table 19.11.010(E)(1)d
10/7/13	4795	Updated Use Table to reflect changes: residential PUDs in B-3 districts, Recreation and Instruction Facilities, Health Clubs	Appendix A, Use Table
2/18/14	4832	Added definitions related to medical cannabis	19.01.010, Definitions
2/18/14	4832	Established regulations for medical cannabis dispensaries and cultivation centers	19.10.060 M and N (new sections)
2/18/14	4832	Medical cannabis dispensary as special use in I-1, I-2, and I-3 Districts. Cultivation center as special use in I-2 and I-3 districts	Appendix A, Use Table
9/22/14	4892	Increased front yard paving limit from 30% to 40%	19.04.010 F
9/22/14	4892	Removed reference to building material requirements for Concept Reviews of MX district developments	19.05.010 L
9/22/14	4892	Increased height of screening in the vision triangle, added landscape screens to permitted exceptions for screen height.	19.10.070 B, Fences and Screening
9/22/14	4892	Removed obsolete reference to public hearing sign deposits.	19.13.070 Schedule of Fees
12/8/14	4900	Updated schedule of fees to reference fine for damage to a public hearing sign.	19.13.070 Schedule of Fees
2/17/15	4929	Removed section listing design standards for R-4, Multiple Family Buildings. Added reference to new Appendix D, Design Guidelines	19.04.060
2/17/15	4929	Replaced sections listing design standards for R-4, B, MX, I, and AP Districts with a reference to Appendix D, Design Guidelines	19.04.060 I 19.05.010 L 19.06.010 F 19.07.010 F 19.08.010 G
2/17/15	4929	Reconfigured list of permitted uses in Open Space Overlay. Added reference to Appendix D.	19.05.020
2/17/15	4929	Insert new section: Appendix D, Design Guidelines	Appendix D, Design Guidelines
5/5/2015	none	Update list of PUDs to match recent approvals	Appendix C